

AHMEDNUGGUR SUCCESSION.

From the Secretary to Government of Bombay to J THOMAS Esq Secretary to Government of India, Political Department—No 184 2722 dated the 30th October 1843

With reference to my letter, dated the 18th instant, No 168, I am directed by the Hon'ble the Governor in Council to transmit to you, for submission to the Right Hon'ble the Governor General of India in Council, copy of a letter from Mr Boyd, Political Commissioner for Guzerat, dated the 24th instant, forwarding a communication from Captain Lang, Political Agent in the Mahee Kanta, and of the correspondence therein alluded to, which has passed between that officer and Colonel Sutherland, Agent to the Governor General for the States of

Rajpootana, consequent on the adoption and* election of Tukt Sing, Rajah of Ahmednuggur, to succeed the late Maharajah Maun Sing of Jodhpore in the guddee of Marwar, and

* By the unanimous voice of the Ranees Sardars and others who have a vote in the succession.

the invitation which has been given to Tukt Sing to take his son with him to Jodhpore as heir apparent to the sovereignty of Marwar

2 In forwarding this correspondence, I am desired to state that the Governor in Council is of opinion that, for the reasons mentioned by Captain Lang, and upon general grounds of policy and in equity towards the Edur or elder branch of the family, Ahmednuggur and its dependencies should revert to Edur now that Tukt Sing and his son have been elected sovereign and heir apparent of Marwar .

3 This question, however, entirely rests with the Right Hon'ble the Governor General of India in Council, but should His Lordship in Council concur with this Government in opinion that, in acknowledging Tukt Sing as the successor to the late Maharajah of Jodhpore, he should be required to renounce, on behalf of himself and family, all claim to the Ahmednuggur Principality, and to re annex that principality to the

Edur State, the Governor in Council is of opinion that advantage might be taken of these events to effect certain arrangements which will be conducive to British interests in Guzerat, especially the abolition of transit duties both in the Edur and Ahmednuggur Territories, and the cession in the latter State of its right and authority over several small towns and villages which are at present held by that State in common with the British Government

4 With the view of assisting the Right Hon'ble the Governor General of India in Council in his decision upon these points, I am directed by the Hon'ble the Governor in Council to forward, as an accompaniment to this letter, copy of a summary dated the 20th February last containing full information in regard to the connection which exists between the families of Jodhpore, Ahmednuggur, and Edur, both of which latter States formed one possession under the Rajahs of Edur until about the year 1784, when they were separated

From the Political Commissioner for Guzerat and Resident at Baroda, to J P WILLOUGHBY, Esq Secretary to Government of Bombay—No 200, dated the 21th October 1813

I HAVE the honour to send, in original, a despatch from Captain Lang, dated the 20th instant, No 617, enclosing letters from Colonel Sutherland and Captain Ludlow on the subject of the choice of a successor to the guddee of Jodhpore by the constituted authorities, and which choice has fallen upon Tukt Sing, Chief of Ahmednuggur.

2 I entirely agree with Captain Lang in the manifold advantages likely to be derived from a union between the two petty States of Edur and Ahmednuggur, and I would suggest that the Supreme Government be solicited to consider the question previous to the acknowledgment of Tukt Sing and his son as Rana and heir of Jodhpore.

I beg to point out the circumstances of Tukt Sing's having, through his Agents, expressed his expectation of succeeding to Edur in the event of the Chief of the latter place obtaining Jodhpore, and which, I consider, forms a fair and reasonable ground for our requiring him to meet our wishes in this respect

From CAPTAIN W LANG Political Agent Malhee Kantra to W S BORD Esq
Political Commissioner and Resident Baroda,—No 617 dated the 20th
October 1843

I HAVE the honour to forward, for your information and that of Government, copies of a letter and its accompaniments, received this morning by express, from the Governor General's Agent for the States of Rypootana, regarding the adoption and election of Maharajah Tukt Sing of Ahmednuggur to succeed the late Maharajah Maun Sing of Jodhpore, and the invitation of his son to accompany him as heir apparent to the guddee of Marwar Copy of my letter to Colonel Sutherland's letter is likewise annexed, and I beg now to add the translation of a letter received from Tukt Sing since I wrote the annexed reply to Colonel Sutherland for despatch by express From this it would appear that he has not (as yet at least) accepted of the invitation of the Jodhpore authorities to take his son with him as heir apparent to the Marwar Throne, but intends leaving him here as Maharaj of Ahmednuggur The messenger who brought Tukt Sing's letter also reports the birth of another son to the Maharajah this morning just as he was leaving the town *en route* to Jodhpore It is not mentioned in the letter, as that was written, he states, last night, but not despatched so soon as was intended on account of some accident which detained the Maharajah till this morning, so that I shall probably receive a report of it in the course of this evening or to morrow, when a translation shall be forwarded without delay

2 In the event of Colonel Sutherland not considering it advisable to recommend that the formal confirmation of Maharajah Tukt Sing's succession to Jodhpore should be withheld till something is settled regarding Ahmednuggur, I beg to state that it is of importance to the continued tranquillity of this province that the question should be decided with as little delay as possible, and I shall therefore feel obliged by your bringing it to the early and special attention of Government It seems to my humble judgment clear that, as Tukt Sing himself has been adopted into the Royal House of Jodhpore, none of his sons can have any claim to enjoy the appanage possessed heretofore by the family as a younger branch of that of Edur and as the families have long been on bad terms, and nothing could exceed the

rancorous feeling which the supersession of the Edur Chief in the Jodhpore succession has now caused between them, there can be no doubt of the expediency of requiring Takt Sing to relinquish for himself and family all claim upon Ahmednuggur, as, with the great influence he would have as Maharajah of Jodhpore and means of gaining over the Edur Sardars and others to the interests of his own son if one of them should be left in possession of Ahmednuggur, or at all events of embroiling them with their own Chief, I greatly fear we should only have to wait for the Maharaj of Edur becoming of age and the attachment being removed to witness a renewal of the system of internal rebellion from which the Mahee Kanta suffered so long and so constantly during the life time of the late Maharaj Gumber Sing.

3 In the event of my view of the case being considered a correct one, the other and still younger branch of the Edur family which now enjoys Soor and a few other villages in the Edur Talooka will be entitled to some addition to their share of the family patrimony, at least they are sure to assert a claim to some additional provision being made for them from the increased means which would then be at the disposal of the Edur Durbar and I think it would generally be considered unjust throughout the province to refuse to entertain it. This would require to be settled by negotiation with the different parties concerned, but if once favoured with the final decision of Government regarding Ahmednuggur, I should not, I hope, find much difficulty in settling the other question by some amicable settlement between the Edur Durbar and the Soor family. You will observe by the 2nd paragraph of my letter to Colonel Sutherland that I have stationed one of my most trustworthy Mehtas at Ahmednuggur in the meantime to prevent any disturbance.

From CAPTAIN W. LANE Political Agent Mahee Kanta, to COLONEL SUTHERLAND, Governor General's Agent for the States of Rajpootana,—No 616, dated Sadra, the 20th October 1843

I acknowledge the receipt of your letter of the 17th instant, No 1056, and its several recommendations, just received by express, regarding the adoption and election of Maharajah Takt Sing of Ahmednuggur to succeed the late Maharajah Maun Sing of Jodhpore, and the invitation

of his son to accompany him as heir apparent to the guddee of Marwar, I have the honour to inform you that I am despatching my Head Karkoon, with a party of 100 Gachwar Sowars, to escort the Maharajah and his family as far in the direction of Pahlunpore as he may consider their services necessary, and prevent the possibility of any interruption being offered to them in their progress to Jodhpore, for which place I have heard the Maharajah intends starting either to-day or to-morrow. I have likewise written to the Ranee of Edur, acquainting her with the decision of the parties at Jodhpore to whom the settlement of the question of succession to the vacant guddee was entrusted, and warning her against interfering in any way with the progress of Maharajah Tukt Sing and his family. I had before sent a reinforcement of 50 Sowars to Edur to prevent any attempt on the part of the Ranee to carry her late threat into execution, but as she has not at present the means of offering any effectual opposition, I trust the allusion she made to such an intention in one of her letters is to be ascribed solely to the irritated state of her feelings at the supersession of her son in the Jodhpore succession by the next branch of the Edur family, which she very naturally looks upon as a great act of injustice.

2 As the removal of Maharajah Tukt Sing and his only son to Jodhpore will leave the Ahmednuggur guddee vacant, I imagine it must revert to Edur as the senior branch of the family, but as there is a younger branch, consisting of four grown-up brothers, who enjoy Soor and a few other villages in the Edur Talooka, and as I have been informed that the Ahmednuggur Rajah has within the last few days been entertaining extra Sebundee to leave* at Ahmednuggur, which would involve a direct breach of his engagements with our Government, I have deemed it my duty to detach a trustworthy Mehta with my Head Karkoon to be left in Superintending charge of Ahmednuggur pending the receipt of the instructions of Government as to the eventual disposal of that State and to prevent any disturbance arising from the conflicting claims which will, in all probability, be set up to it. I have not yet been favoured with the reply of the Hon'ble Board to any of the references I have made regarding the succession to Edur or Ahmednuggur in the event of the Chiefs of either of these States being adopted into the Jodhpore family, and my only object

* A O

in alluding to the subject here is, that you may suggest to the Political Agent at Jodhpore, should you consider it advisable, the propriety of withholding the formal confirmation of our Government to the Jodhpore succession till something has been settled regarding the Ahmednuggur State, or, if you are of my opinion that we cannot allow Maharajah Tukht Sing to hold it together with Jodhpore, till he has given a written engagement relinquishing all claim to it, and binding himself in no way to interfere, directly or indirectly, with the decision which may be passed by Government regarding it.

3 As I had a message from the Ahmednuggur Rajah through his Agents then here during the early part of these Jodhpore discussions clearly asserting his claim to Edur in the event of the young Chief of that State being allowed to succeed the late Maharajah Marun Sing of Jodhpore, I fully expected, in the event of his succeeding himself to Marwar, that he would not have thought of leaving Ahmednuggur without at least writing to me regarding the present management and eventual disposal of that State, but as his Agents left Sidra some time ago, and the entertainment of extra Subandee looks as if he hoped to be allowed to retain Ahmednuggur for himself, or to bestow it on some other member of the family, the more to mortify the Edur people, with whom those of Ahmednuggur have long been on bad terms, I am sure you will excuse my troubling you on the subject, as any attempt of the kind would doubtless be a fertile source of immediate disturbance, and tend, I greatly fear, eventually to reduce the Edur Talooka to the state of anarchy and misrule from which it has only within the last few years recovered.

MAHARAJ SHREE ADHIRAJ TUKHT SING of Ahmednuggur writes to CAPTAIN LANG Political Agent in the Malwa Kanth after compliments as follows —

I wrote to you before that a deputation of respectable persons had come here from Jodhpore, now a royal note (*Ahas Roollah*) from the Maharajah adopting me has arrived with the concurrence of the gentlemen there, and I have therefore sent my Karkoon, Jeysonl er, to acquaint you with it. It pleased therefore, after taking what he has to say into your consideration, to send me back with him an escort of 100 Sowars for my protection on the road. Besides, I have left Maharaj Jeswunt Sing

as sovereign (Malik) of the places belonging to Ahm. Jung, and I hope you will take care of him in every respect. Thus I have acted entirely in confidence in you, and I am ready to obey all your commands.

11th Assoo Wu 1899, signed by the Mahadji, "you will know all from the above," corresponding with 12th October 1841.

reply to that officer of this date, and I would beg to suggest, under the circumstances of the case, that you address that officer direct upon the subject of the advisability of the immediate departure of Tukt Sing, the present Rajah of Ahmednuggur, to Jodhpore, to assume the sovereignty of Marwar, to which he was yesterday elected by the unanimous voice of the Ranees, the Sirdars, and others who have a voice in the succession. The Ranees at the same time invited the son of Tukt Sing as the heir apparent of the *guddee* of Marwar.

2 Copies of the letter and *urzee* prepared by the Ranees and the Sirdars and others, for despatch to the Chief of Ahmednuggur, will be sent to you with translations, and my Report upon the subject of the adoption, as soon as they can be prepared.

Extract from a letter from CAPTAIN LUDLOW to COLONEL SUTHERLAND—No 372
dated the 15th October 1843

Paragraph —In continuation of the subject of my letter, No 318, of the 23rd ultimo, I have the honour to enclose, together with English translations, copies of a letter and an *urzee* addressed by the widows of Maharajah Maun Sing and the Sirdars and Mootsuddes to Maharajah Tukt Sing of Ahmednuggur announcing His Highness's adoption and election to the vacant *guddee* of Marwar.

The election of the above named personage having been unanimous, I yielded to the requisition of all parties that I would address a *khurcata* to His Highness (a copy and translation of which are also enclosed) inviting him to the capital to assume the Government in anticipation of his recognition by the Right Hon'ble the Governor General of India. This course appeared to me the more desirable as the rival claims asserted to the *guddee* of Marwar tend to keep the public mind in a state of anxiety, and my delay in the investiture, it might be feared, would lead to some commotion in the distant provinces.

4 I have had the honour to apprise you of objections advanced by the Edur family through the Political Agent in the Mahee Kanta to the departure of Tukt Sing from Ahmednuggur till his recognition.

shall have been obtained from the Right Hon'ble the Governor General of India, and I have only to add that it appears to me highly desirable on every account that the objection set forth by Her Highness of Edur should not be suffered to cause delay in the departure of Tukt Sing to assume the sovereignty of Marwar

(True Extract)

(Sd) P F TRFNCH,
Asstt Agent to the Govr Genl

FROM LIEUTENANT COLONEL J SUTHERLAND Agent to the Governor General for the States of Rajpootana, to CAPTAIN J LUDLOW Political Agent Jodhpore—No 1005 dated Camp Sanderao near Erinpoora, the 17th October 1843

I HAVE the honour to acknowledge the receipt, by express, of your letter, No 372, dated the 15th instant, with its several enclosures, reporting the adoption and election of Maharajah Tukt Sing and of his son as sovereign and heir apparent of Marwar in succession to the late Maharajah Maun Sing by the unanimous voice of the widows of the late Maharajah, of the Sirdars, Mootsuddees, and Khawas Pashans, and beg to offer my cordial congratulations on this happy event the letter No 371 and enclosures I received yesterday

2 I have the honour to transmit, for your information, a copy of a letter which I have written and despatched by express to Captain Lang, which, I trust, will have the effect of ensuring the safe arrival of the Maharajah and of his son at Jodhpore at an early period

SUMMARY

1 On the death, in December 1839, of Prithi Singh, Rajah of Ahmednuggur, a posthumous (the only) son of the Rajah by his senior widow was recognized by Government as heir to that estate This infant, however, died in September 1841, and Government authorized the recognition of Tukt Sing, the uncle and heir of the deceased, as successor to the guddee

2 For reasons urged by Captain Lang, the Political Agent in the Mabee Kant, in the 2nd paragraph of a letter addressed by him to the Political Commissioner for Guzerat on the 4th October 1841, Sir Robert Arbuthnot, then Collector of Ahmedabad, was directed to refrain from agitating for the present a question which he had raised on the death, in 1839, of Prithoe Sing Rajah, relative to the right of the British Government to place under attachment the possessions of that Chief situated within villages subject to British jurisdiction, on the ground that such a course would be likely considerably to increase the difficulty of effecting a satisfactory settlement of the dispute which had been long pending between the Edur and Ahmednuggur families in regard to their relative rights to certain lands in the pergunnahs of Mourassa, Byer, and Kuntaloo Bora

3 In reply to these instructions, Sir Robert Arbuthnot, in a letter dated the 16th November 1841, referred for the orders of Government relative to the course he should adopt with reference to the right of the British Government to the share in the Mourassa Pergunnah, which had been held by the deceased Rajah Prithoe Sing, and afterwards by his infant son, and which, that officer observed, formed no legitimate part of the Ahmednuggur possessions, and that, in his opinion, neither the Rajah of Edur, nor the present Rajah of Ahmednuggur, possessed any valid claim to the guddee of Mourassa, which, in right of sovereignty, he considered had, from the death of the late Rajah, become a lapse to the British Government. In making this reference, Sir Robert Arbuthnot called the attention of Government to his letter dated the 10th December 1839 as containing the grounds on which he considered this lapse to have taken place. The following is an extract from that communication —

“In the first place, I beg to premise that the possessions of the Ahmednuggur Rajah, as well as those of Mourassa and Byer, latterly formed part of the talooka of Edur, from which they were separated about 55 years ago

“The present family of Edur is of recent origin. The title of the old Chief was Rao of Edur, he was one of the numerous Rajpoots who were conquered by and subject to the Kings of Guzerat, and subsequently

to the Emperors of Delhi when that country formed a province of Hindostan, and was governed by a Soubadar appointed from thence under the Mahomedans he was generally designated Zemindar of Edur. In common with other Chiefs of those times, when occasions offered, he was always refractory, and Ahmednuggur was built principally to keep him in check by Ahmed Shaw, one of the Kings of Guzerat, A. D. 1426. It is situated about 16 miles from Edur.

"Subsequent to the overthrow of Sir Boolund Khan, Soubadar of Guzerat, A. D. 1729, by the first Bujcerow Peishwa, when the Chouth and Sir Deshmookhee Revenue was ceded to the Mahrattas, Abeh Sing, a Rajah of Jodhpore, was appointed to the Soubadarship of Guzerat by the Emperor of Delhi. His younger brother, Anund Sing, accompanied him to Ahmedabad, and managed to obtain possession of the estates of the Rao of Edur, and it is from him the present family dates its origin. It was most probably also at this time, through the connivance of his brother, that Ahmednuggur, as well as the pergunnahs of Hursole, Mourassa, and Byer, fell into his hands.

"After some time Abeh Sing was obliged to return to Jodhpore to protect his paternal dominions from the invasion of the Mahrattas. He left a deputy, by name Rutton Sing Bhandaree, in charge of Ahmedabad. Momin Khan was appointed to succeed him as Soubadar from Delhi, A. D. 1735. Rutton Sing resisted the appointment, and endeavoured to establish the authority of the Rajah of Jodhpore. He was, however, expelled by Momin Khan, with the assistance of Dummajee Gaekwar and a Mogul Officer placed in charge of Purantage, Ahmednuggur, however, and the pergunnahs of Hursole, Mourassa and Byer, which were usually united with that pergunnah, continued as dependencies of Edur.

"From this period, when the Mogul power in Guzerat was almost only nominal, till the conquest of Guzerat by the combined forces of the Peishwa and Gaekwar, A. D. 1755, and the Government passed into the hands of these Princes, the Edur Chief struggled for independence, he was, however, brought under subjugation by the Mahrattas, and his territory shared between the conquerors according to the terms of an Agreement which Dummajee and Raggoonath had entered into before

2 For reasons urged by Captain Lang, the Political Agent in the Mabee Kant, in the 2nd paragraph of a letter addressed by him to the Political Commissioner for Guzerat on the 4th October 1841, Sir Robert Arbuthnot, then Collector of Ahmedabad, was directed to refrain from agitating for the present a question which he had raised on the death, in 1839, of Prithce Sing Rajah, relative to the right of the British Government to place under attachment the possessions of that Chief situated within villages subject to British jurisdiction, on the ground that such a course would be likely considerably to increase the difficulty of effecting a satisfactory settlement of the dispute which had been long pending between the Edur and Ahmednuggur families in regard to their relative rights to certain lands in the pergunnahs of Mourassa, Byer, and Kuntaloo Bora

3 In reply to these instructions, Sir Robert Arbuthnot, in a letter dated the 16th November 1841, referred for the orders of Government relative to the course he should adopt with reference to the right of the British Government to the share in the Mourassa Pergunnah, which had been held by the deceased Rajah Prithce Sing, and afterwards by his infant son, and which, that officer observed, formed no legitimate part of the Ahmednuggur possessions, and that, in his opinion, neither the Rajah of Edur, nor the present Rajah of Ahmednuggur, possessed any valid claim to the guddee of Mourassa, which, in right of sovereignty, he considered had, from the death of the late Rajah, become a lapse to the British Government. In making this reference, Sir Robert Arbuthnot called the attention of Government to his letter dated the 10th December 1839 as containing the grounds on which he considered this lapse to have taken place. The following is an extract from that communication —

“In the first place, I beg to premise that the possessions of the Ahmednuggur Rajah, as well as those of Mourassa and Byer, latterly formed part of the talooka of Edur, from which they were separated about 55 years ago

“The present family of Edur is of recent origin. The title of the old Chief was Rao of Edur, he was one of the numerous Rypoots who were conquered by and subject to the Kings of Guzerat, and subsequently

to the Emperors of Delhi when that country formed a province of Hindostan, and was governed by a Soubadar appointed from thence under the Mahomedans he was generally designated Zemindar of Edur. In common with other Chiefs of those times, when occasions offered, he was always refractory, and Ahmednuggur was built principally to keep him in check by Ahmed Shah, one of the Kings of Guzerat, A. D. 1426 it is situated about 16 miles from Edur.

"Subsequent to the overthrow of Sir Booland Khan, Soubadar of Guzerat, A. D. 1729, by the first Bajeerow Peishwa, when the Chouth and Sir Deshmoolhee Revenue was ceded to the Mahrattas, Abeh Sing, a Rajah of Jodhpore, was appointed to the Soubadarship of Guzerat by the Emperor of Delhi. His younger brother, Anund Sing, accompanied him to Ahmedabad, and managed to obtain possession of the estates of the Rao of Edur, and it is from him the present family dates its origin. It was most probably also at this time, through the connivance of his brother, that Ahmednuggur, as well as the pergunnahs of Hursole, Mourassa, and Byer, fell into his hands.

"After some time Abeh Sing was obliged to return to Jodhpore to protect his paternal dominions from the invasion of the Mahrattas he left a deputy, by name Rutton Sing Bhandaree, in charge of Ahmedabad. Momin Khan was appointed to succeed him as Soubadar from Delhi, A. D. 1735. Rutton Sing resisted the appointment, and endeavoured to establish the authority of the Rajah of Jodhpore, he was, however, expelled by Momin Khan, with the assistance of Dummajee Gaekwar and a Mogul Officer placed in charge of Puantage, Ahmednuggur, however, and the pergunnahs of Hursole, Mourassa, and Byer, which were usually united with that pergunnah, continued as dependencies of Edur.

"From this period, when the Mogul power in Guzerat was almost only nominal, till the conquest of Guzerat by the combined forces of the Peishwa and Gaekwar, A. D. 1755, and the Government passed into the hands of these Princes, the Edur Chief struggled for independence, he was, however, brought under subjugation by the Mahrattas, and his territory shared between the conquerors according to the terms of an Agreement which Dummajee and Raggoonath had entered into before

2 For reasons urged by Captain Lang, the Political Agent in the Mabee Kantri, in the 2nd paragraph of a letter addressed by him to the Political Commissioner for Guzerat on the 4th October 1841, Sir Robert Arbuthnot, then Collector of Ahmedabad, was directed to refrain from agitating for the present a question which he had raised on the death, in 1839, of Prithce Sing Rajah, relative to the right of the British Government to place under attachment the possessions of that Chief situated within villages subject to British jurisdiction, on the ground that such a course would be likely considerably to increase the difficulty of effecting a satisfactory settlement of the dispute which had been long pending between the Ldur and Ahmednuggur families in regard to their relative rights to certain lands in the pergunnahs of Mourassa, Byer, and Kuntaloo Bora

3 *In reply to these instructions, Sir Robert Arbuthnot, in a letter dated the 16th November 1841, referred for the orders of Government relative to the course he should adopt with reference to the right of the British Government to the share in the Mourassa Pergunnah, which had been held by the deceased Rajah Prithce Sing, and afterwards by his infant son, and which, that officer observed, formed no legitimate part of the Ahmednuggur possessions, and that, in his opinion, neither the Rajah of Ldur, nor the present Rajah of Ahmednuggur, possessed any valid claim to the guldee of Mourassa, which, in right of sovereignty, he considered had, from the death of the late Rajah, become a lapse to the British Government. In making this reference, Sir Robert Arbuthnot called the attention of Government to his letter dated the 10th December 1839 as containing the grounds on which he considered this lapse to have taken place. The following is an extract from that communication —*

“In the first place, I beg to premise that the possessions of the Ahmednuggur Rajah, as well as those of Mourassa and Byer, latterly formed part of the talooka of Ldur, from which they were separated about 55 years ago

“The present family of Ldur is of recent origin. The title of the old Chief was Rao of Ldur, he was one of the numerous Rypoots who were conquered by and subject to the Kings of Guzerat, and subsequently

to the Emperors of Delhi when that country formed a province of Hindostan, and was governed by a Soubadar appointed from thence under the Mahomedans he was generally designated Zemindar of Edur. In common with other Chiefs of those times, when occasions offered, he was always refractory, and Ahmednuggur was built principally to keep him in check by Ahmed Shaw, one of the Kings of Guzerat, A D 1426 it is situated about 16 miles from Edur.

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"After some time Abeh Sing was obliged to return to Jodhpore to protect his paternal dominions from the invasion of the Mahrattas he left a deputy, by name Rutton Sing Bhandaree, in charge of Ahmedabad. Momin Khan was appointed to succeed him as Soubadar from Delhi, A D 1735. Rutton Sing resisted the appointment, and endeavoured to establish the authority of the Rajah of Jodhpore, he was, however, expelled by Momin Khan, with the assistance of Dummajee Gaekwar and a Mogul Officer placed in charge of Purantage, Ahmednuggur, however, and the pergunnahs of Hursole, Mourassa, and Byer, which were usually united with that pergunnah, continued as dependencies of Edur.

"From this period, when the Mogul power in Guzerat was almost only nominal, till the conquest of Guzerat by the combined forces of the Peishwa and Gaekwar, A D 1755, and the Government passed into the hands of these Princes, the Edur Chief struggled for independence, he was, however, brought under subjugation by the Mahrattas, and his territory shared between the conquerors according to the terms of an Agreement which Dummajee and Raggoonath had entered into before

setting out from Poona In this way one-half the number of villages and an equal share of the Kusbas in the pergunnahs of Mourassa, Hursole, and Byer, fell to the lot of the Peishwa, the other half to the Gaekwar

"The Peishwa immediately took possession of his share of the conquered provinces, and established Thannahs in the principal towns. The Gaekwar appears to have allowed the management of his portion to remain in the hands of the former Chiefs, subject to a Peishcush, or tribute, which was annually settled and collected by his Mooluhgerry army It is now commuted under our guarantee to a fixed annual payment for those villages which belonged entirely to the Marwarrees, by which term the members of the present Edur family are now known. For those in which the Peishwa had shares, the Marwarree tribute to the Gaekwar is paid by us under the term Ghansdannah By some oversight the amount has not been charged to the Marwarrees' share of the revenue, a piece of good fortune which they owe to the complicated and unintelligible nature of their claims rather than to a right of exemption Even now it is a question whether the amount of tribute should not be exacted from them In proof that the Peishwa's share was not subject to Ghansdannah, Mr More in his Report dated 20th February 1819 to Mr Dunlop distinctly writes —There is no Ghansdannah collected from any village which belonged exclusively to the Peishwa in the pergunnahs of Mourassa and Byer, except Demacee, and it appears that in it the Marwarrees formerly possessed some share

"Anund Sing, the newly-established Rajah of Ldur, was succeeded by his son, Shew Sing, who was succeeded by his son, Bhowanee Sing, who

* A. D 1784

lived afterwards only 27 days On the death of Bhowanee Sing, the talooka in Sumbut 1840* passed into the hands of his son, Gumbur Sing, a boy 12 years of age

"Previous to his death Shew Sing had granted the town of Ahmednuggur, with a maintenance of Rupees 12,000, to his 2nd son, Sugram Sing, who continued, however, to reside at Edur After the death of Shew Sing some disturbances took place, which gave rise to an idea that Sugram Sing and his brothers, Zalum Sing and Ameer Sing, wished to

murder their nephew, Gumbur Sing, and obtain possession of the talooka, they were, consequently, obliged to leave Edur, and, having gone to live at Ahmednuggur, took advantage of the minority of Gumbur Sing to seize upon Mourassa and Byer. The former became the property of Zalum Sing, the latter of Ameer Sing.

"Gumbur Sing afterwards endeavoured to recover these possessions, but apparently without avail, as, from a translation which accompanies Mr More's Report above quoted, I find he was forced to cede his rights in Mourassa and Byer in favour of his uncles, Zalum Sing and Ameer Sing.

"On the death of Zalum Sing, which took place in Sumbut 1859,*

* A D 1803

at Amleera, in an engagement between the Gaekwar's Troops, assisted by his followers, and a rebellious Thakoor of that place, the Mourassa Pergunnah continued to be held by the Rajah of Ahmednuggur (on account of his younger brother, Purtab Sing, whom Zalum Sing had adopted) till Sumbut 1870, when the Gaekwar restored it to the Rajah of Edur, by whom it was retained till Sumbut 1875, when it was given back, through the interference of the Resident at Baroda and Collector of Ahmedabad, to Purtab Sing, at whose death it fell into the hands of the present Rajah as his adopted son.

"The claims of the Rajah of Edur to Mourassa and Byer are thus founded on the circumstance of these pergunnahs having originally formed an integral portion of his talooka, which had been unjustly wrested from him by his uncles.

"On the other hand, the Rajah of Ahmednuggur claims them as forming a part of a talooka which he alleges was conquered from Edur by his grandfather and uncle conjointly, and of which he, as the descendant of the elder of the brothers, is the head."

4 Government did not consider that the circumstances mentioned by Sir Robert Arbuthnot were sufficient to establish the right of the British Government to the share of Mourassa which had belonged to the

late† Rajah of Ahmednuggur, and Mr Fawcett, who had intermediately been appointed to the charge of the Ahmedabad Collectorate, was therefore (on the 7th

† Prithvi Sing and his infant son

March 1842) called upon to submit a succinct statement of the grounds on which this possession might be considered to have lapsed to the British Government. Mr Fawcett was at the same time informed that even if the lapse to the British Government of the late Rajah's share of Mourassa could not be proved, still Government considered that it might very fairly avail itself of the opportunity afforded by his death of defining the right of the Rajah of Ahmednuggur over that possession, and by this means prevent, for the future, proceedings similar to those which had been resorted to by the Rajah Prathee Sing of sending, as he did, some time before his death, in 1839, bodies of armed men to Mourassa, and thereby endangered the peace of that part of the country. In reply to this reference, Mr Fawcett, on the 21st June 1842, drew the attention of Government to the following extract of a letter which had been addressed on this subject by Sir R. Arbuthnot to Captain Lang on the 16th April 1841:—"In regard to giving up Mourassa and Byer, I should be most unwilling to recommend the adoption of such a measure, as these are the only large towns we have in the unsettled part of the country of which they form the capital, and their possession, I consider, tends greatly to uphold our authority in the surrounding villages. Besides which, in the event of the death of the present infant of Ahmednuggur without heirs of his own body, the entire revenues of Mourassa will belong to Government, as well as of Byer should the Ranee die under similar circumstances, for the founders of both these principalities as well as Ahmednuggur, having separated themselves from Edur, must be regarded as having established new families unconnected with each other, whose talookas, on failure of heirs, necessarily lapse to the sovereign power, to which they owe allegiance * and considering the probability of such an event, I am disposed to recommend that the compensation to be allowed for the loss of his customs should be given in the name of the Rajah of Mourassa, and not of Ahmednuggur."

* "I am aware the present Rajah of Ahmednuggur is also related by blood to the late Rajah of Mourassa; but it is not through his relationship he now holds his rights in the latter pergunnah, but in consequence of his father the late Rajah of Ahmednuggur, having been adopted by the Rajah of Mourassa. His issue will, of course, be entitled to whatever rights he has succeeded to in Mourassa, but collateral branches of the house of Ahmednuggur can have no claim to do so. Should these not lapse to Government, the family of Edarare the undoubted heirs by blood."

5 In forwarding the above extract, Mr Fawcett stated that the strongest grounds he could discover upon which any right on the part of the British Government existed to resume the late Rajah's share of Mourassa were, that this estate had descended by adoption through two generations, the issue of the last adopted being now extinct, as well as the family of the founder, Zalum Sing that, as far as he was aware, there was no specified line of succession, and that it, therefore, remained for Government to decide how far collateral branches of the adopted heirs possessed any right to succeed to this possession but that, as far as he could judge, no sufficient reasons existed for preventing Tukt Sing, the present Rajah of Ahmednuggur, from succeeding to this possession, he being the nearest relative and uncle of the late infant Rajah and the brother of Prithce Sing, the former Rajah

In the same letter Mr Fawcett stated that in the State of Mourassa three* villages are comprised, in which the British Government possesses a share,† that the civil and criminal jurisdiction over these villages was administered by the British Government, but that the Rajah of Ahmednuggur had hitherto been permitted to collect his own share of their revenues, which circumstance had been the source of disturbances Mr Fawcett added that, if the Rajah could be persuaded to give up his share in the revenues of these villages in exchange for a consideration, or allow them to be collected through our own officers, and accept his share from the treasury, there need be no apprehension of any further disturbances arising from the Rajah sending armed men into these villages, as he would then have no pretence for so doing

7 Mr Fawcett having forwarded to Captain Lang a copy of the above letter, the Political Commissioner for Guzerat was informed, on the 28th July 1842, that, before passing a final decision of this question, Government was desirous of being furnished with any remarks which Captain Lang might have to offer on the subject

8 As the right of succession to the share of Mourassa held by the late Rajah of Ahmednuggur appeared to Government to depend upon a

* Mourassa Gabul Wanyad

† Of the total annual value of Rupees 4000

question of Hindoo Law, the Judges of the Sudder Adawlut were, at the same time,* requested to favour Government with their opinion on the three following points; and on the 19th August last the Registrar submitted the following reply to this reference, founded on an exposition of the Hindoo Law as given by the Law Officer of the Court:—

* 28th July 1842

Points referred by Government for the opinion of Sudder Adawlut on the 20th July 1842.

Replies on each point submitted by the Sudder Adawlut on the 19th August 1842

1st.—If A be adopted by B., and by the death of A the family of B becomes extinct, can the collateral relations of A, according to the Hindoo Law, succeed to the estate and property which belonged to B?

1st.—The collateral relations of A cannot, by virtue of that relationship, according to Hindoo Law, succeed to the estate and property of B, the adoptive father of A., on decease of the latter.

2nd —Whether, in the case above supposed, does A forfeit his hereditary rights in his own family for those he may acquire in virtue of his adoption?

2nd —In the case above supposed, A. does forfeit his hereditary right in his own family for those he may acquire in virtue of his adoption.

3rd —Whether the blood relations of A. can acquire a right to property originally belonging to the adoptive father of A?

3rd —The blood relations of A. cannot acquire a right to property originally belonging to the adoptive father of A., unless they be likewise related by blood to him, in which case they succeed according to their proximity.

9. About this time the Political Commissioner for Guzerat forwarded copies of two letters from Captain Lang dated the 29th March and 2nd July 1842, in the latter of which communications that officer stated it to be his opinion that, for the following reasons, Tukt Sing possessed a right to succeed his late nephew (the deceased infant Rajah) in the Mourassa, as well as in the Ahmednuggur possessions. The following

extract from Captain Lang's letter (dated the 2nd July 1842) shows the grounds on which this opinion was founded —

"I must here premise that the late Rajah who held undivided sway over the Edur talook was Shew Sing, who died in Sumbut 1848 (A D 1791-92), leaving five sons, Bhowanee Sing, Sugram Sing, Zalum Sing, Ameer Sing, and Indur Sing. Bhowanee Sing succeeded his father as Chief, but only survived him a few days, and left his son, Gumbur Sing, the late Rajah of Edur, a minor of 10 or 12 years of age. Sugram Sing appears to have received Ahmednuggur before his father's death as his share to the family possessions, but the three other brothers remained unprovided for at Edur. After the death of Bhowanee Sing they were suspected by the Sirdars of the State of meditating some treachery against their young nephew, and having been obliged, in consequence, to leave Edur, they went to reside with their elder brother, Sugram Sing, at Ahmednuggur. With his assistance they soon succeeded, partly by force and partly by concession, in arresting the pergunnahs of Mourassa, Byer, and Ghorewarra from the young Rajah of Edur as their respective shares of the patrimonial estate, and it is in a great measure on this right, as they call it, by conquest, coupled with the circumstance of two of the brothers, Zalum Sing and Ameer Sing, having remained at Ahmednuggur with their families ever afterwards, that the several Rajahs who have possessed Ahmednuggur since Sugram Sing's death have claimed the reversion of the Mourassa and Byer Pergunnahs to Ahmednuggur on the failure of direct heirs, asserting that they all form one State and never have been three separate Chiefships, but that Zalum Sing and Ameer Sing received charge of these pergunnahs from Sugram Sing, partly, indeed, to afford them the means of subsistence but chiefly as his Deputies or Thannadars.

"Had any of the several Treaties concluded from time to time between the late Rajah of Edur and these Chiefs included the Rajah of Ahmednuggur and his talook, this argument would have been, in my opinion, unanswerable, and on the receipt of Mr Lawce's letter, a copy of which is now transmitted, I applied in consequence for a copy of the deed alluded to in the 5th paragraph. In reply, that officer has furnished me with translations of three different Treaties and the deed of adoption of Sugram Sing's younger son, Pertab Sing, by Zalum Sing's

widow The first of these Treaties is in the name of Zalum Sing alone, and dated in Sumbut 1650 (A D 1793-94), conferring upon him the whole of the Mourassa Pergunnah, and the last is in the names of Zalum Sing, Ameer Sing, and Indur Sing, dated in Sumbut 1861 (A D 1804-5), and agrees to refrain from committing any kind of treachery against these Chiefs themselves and their *Mahars*, *Wootsu l leet*, and servants, and from molesting in any way the pergunnahs of Mourassa, Byer, Wuseyr, and Ghorewarra, their riots, merchants, or shroffs the remaining one, dated in Sumbut 1851 (A D 1794-95), is in the name of Sugram Sing and Zalum Sing, and I therefore annex a copy of it It is not, however, by any means conclusive, as it makes no mention of the Ahmednuggur Talooka, excepting incidentally in arranging for the payment of the Salamee due to it from certain Edur villages and while it distinctly assigns the whole of the Mourassa Pergunnah to Zalum Sing, it confers that of Byer upon Sugram Sing, although his pergunnah is included in the Treaty above mentioned as having been made with the three younger brothers ten years afterwards It goes, however, to prove the intimate connection which is asserted and no doubt with truth, to have subsisted from the first between the four brothers, including the Rajah of Ahmednuggur, in their opposition to their nephew, Gumbur Sing, the late Rajah of Edur

‘ The possessions of the younger brother, moreover, Indur Sing, have always been regarded as forming a part of the Edur Talooka, and are now enjoying under the Rajah of Edur by the four sons of that Chief, they are however, including the share of the Ghorewarra Talooka situated more in the neighbourhood of Edur and Indur Sing himself was blind, I believe, from his infancy, and appears separately to have made his peace with the head of the family and afterwards to have resided at Edur The Mourassa and Byer Pergunnahs, on the other hand, are situated at a distance from Edur, the Ahmednuggur Talooka intervening between the Edur villages and them This flaw, however, cannot but be regarded as a very material one to any claim founded on the right of conquest alone, and, when taken in conjunction with the several Treaties which were at different times entered into between the late Rajah of Edur and Zalum Sing in his own name only as the possessor of Mourassa make it exceedingly doubtful how far the Ahmednuggur right to succeed to Mourassa

could have been upheld had the claim of the Edur Chief been advanced on the death of Purtab Sing, the son adopted by Zalum Sing's widow, after his death

"Zalum Sing, however, was killed at Amleer २ so far back २ Sumbut 1863 (A D 1806-67), upon which, with the assistance of the Gekwar Government, his widow immediately adopted Sugram Sing's younger son, Purtab Sing the elder, Kurn Sing, afterwards succeeded his father as Rjah of Ahmednuggur In Sumbut 1872 (A D 1815-16) the Ldur Rajah, Gumbur Sing, succeeded, through intrigue and the payment of large sums as *nuzzurana* to the Gekwar Government and its officers, in getting the Mourassa Pergunnah made over to him to the exclusion of Purtab Sing, who appears to have been on the point of resorting to Barwatty २ to assert his right, when our Government succeeded to the Peshwa's share of these pergunnahs The case was then brought to the notice of the Collector, Mr Dunlop, and by him to that of Government, in a letter to the address of the Chief Secretary dated 7th June 1818 The following year, Sumbut 1875 (A D 1818-19), Purtab Sing was reinstated in his rights through that officer and the Resident at Baroda, but he died, I believe, before reaching Moura २, and the revenues of that pergunnah have ever since been enjoyed by Kurn Sing, the Rjah of Ahmednuggur, and after his death by his son, Prithee Sing, the late Rjah of part of the Ahmednuggur Talook It is true that Prithee Sing, although the eldest son of the Ahmednuggur Rjah, was either adopted* or said to have been so by Purtab Sing before his death, but this was done in so irregular a manner, as described in my letter of the 25th January 1810, and without any sanction on the part of the Gekwar or the British Government, that it is impossible to imagine Gumbur Sing's having allowed the Ahmednuggur Rjah quietly to enjoy the Mourassa revenues on that title alone and on whatever grounds he may have refrained at that time from prosecuting his claim, the right of

* I find this adoption alluded to in the following terms in the 5th paragraph of a letter from Colonel Ballantine to Mr Chief Secretary Newlam २ address dated 6th September 18 1 five or six years after it had taken place —

It is known to Government that Purtab Sing deceased on the road before he reached Mourassa, and the subsequent adoption by Kurn Sing of his own son to these possessions appears to have been a measure of his own which if confirmed, leaves him, at all events, liable to the obligation subscribed by Purtab Sing, &c, &c

Tul t Sing to succeed to that part of the possessions enjoyed by his father and brother and nephew, the late infant Chief, for a period of upwards of twenty years, could not now, I humbly conceive, be justly interfered with under any circumstances

“That part of the dispute, however, which remains regarding the eventual succession to the Byer Pergunnah, which is still enjoyed by one of the daughters of Ameer Sing, would have been a very delicate and difficult one justly to decide, neither party having ever enjoyed it, and the claims of each of the Chiefs to it being, as above described, so exceedingly conflicting. Fortunately, however, there is the clearest proof that the two former Rujahs, Gumbur Sing and Kurn Sing, met at Ahmednuggur, and settled the whole of their disputes by an amicable agreement through the intervention apparently of Colonel Billintine, although nothing on the subject is to be found on the records of this Office. A translation of Agreement thus effected was submitted with my letter of the 6th February 1811, and gives up on the part of Ldur all claims to the Mowassir Pergunnah and its dependencies, providing also for the eventual division of Byer between the two States in the proportion of one third to Ahmednuggur and two thirds to Ldur. The writing to this effect which I have seen is that given by Kurn Sing, the late Rujah of Ahmednuggur, and his sons, Puthce Sing and Tukt Sing, to Gumbur Sing, the former Rujah of Ldur. It is dated in Sumbat 1853 (A. D. 1827-28), and as it is executed in the name of the reigning Chief himself, and makes no mention of the adoption of Puthce Sing, although his name and that of the present Chief, Tul t Sing, are likewise included in it, I can see no reason whatever why it should not now be acted on. Tul t Sing, it is true, has not yet produced the counterpart of it, which is doubtless in his possession, and owing to the reference now under reply, I have not lately pressed him on the subject, but as soon as I am favoured with the instructions of Government, I shall again take it in hand, and am still sanguine of being able to satisfy both the young Chiefs and their advisers of the justice and propriety of abiding by the settlement of these disputes effected by their own fathers upwards of 15 years ago.

“With regard to the right of our Government to succeed to the Marwarree share of the Mowassir and Byer Pergunnahs, for which Sir

Robert Arbuthnot contended, in preference to either Edur or Ahmednuggur, and Mr Lawcett appears inclined to support against Edur, I am free to confess that I cannot at all comprehend on what it is founded. I am not aware that it has ever been the custom of our Government to exclude even remote collateral heirs from succeeding to *Hantals* on other shares enjoyed by their ancestors in Government villages, always provided they have been able clearly to prove their titles as heirs, and I cannot, therefore, understand on what principle we could prevent the present Chiefs of Edur and Ahmednuggur, who are second cousins, succeeding each other in their family possessions, which happen to be situated within our jurisdiction, but to which their right is considerably more ancient and quite as well founded as that we possess to our own share. Neither am I of opinion that either of these Chiefs would willingly agree to give up the right to collect their own revenue from the few villages in which they hold a share with our Government, as suggested by Mr Lawcett towards the close of his letter, and as the threatened disturbances alluded to by that officer were owing entirely to our abolishing the transit duties of Mourassa without consulting the Chief on the subject, and not to any dispute regarding our respective shares of the revenue, I feel assured that Government will not be disposed to press this point in opposition to the wishes of the Chiefs concerned. With regard, indeed, to the *Kusba* towns of Mourassa, Hursole, and Byer, I am fully satisfied that nothing short of compulsion would induce them to give up their shares, and it would be necessary, for the sake both of justice and consistency, to make the same arrangement with the Edur Chief for Hursole, and with both again for Byer, that might be required of the Ahmednuggur Ryah in the case of Mourassa. It must likewise be borne in mind that they value these *Kusbas*, not so much for the revenue they yield, as from a feeling that such possessions add to their rank and respectability as Chiefs, whereas to our Government they are worth no more than the revenue derived from them, and the amount of compensation, therefore, which we should consider it worth while to grant the Chiefs, even if they did give up their shares, would be estimated on the average of their revenues from them for a series of years. To this, it must be self evident from what I have said, that neither of them would ever consent, and as I humbly conceive it would be as unjust as impolitic to enforce any such arrangement against

their will, I would strongly recommend that no proposal of the kind should be made to the Rajah of Ahmednuggur in the case of Mourassa now more particularly under discussion "

10. On the 18th August last the Political Commissioner for Guzerat was directed to inform Captain Lang that the opinion of the Judges of the Sudder Adawlut had been requested on the three points alluded to in paragraph 8 of this Summary, and at the same time to intimate to Captain Lang that the question of the right of the British Government to resume, in consequence of the death of the late infant Rajah, the share of Mourassa enjoyed by him in succession to his deceased father, Prithce Sing, appeared to Government to hinge upon these three points. In reply to this intimation, Captain Lang, in the accompanying letter, remarks that, although, if the Judges of the Sudder Adawlut should answer these points in the affirmative, the view taken by them on the subject would be conclusive in confirmation of the present Ahmednuggur Rajah's right to the Mourassa possessions, which have always belonged to the Marwarree share of that pergunnah, still a contrary decision upon either, or all of these points would not, in his opinion, by any means be sufficient to set aside that Chief's claim, inasmuch as he urges it altogether independent of the adoption, on the ground of the pergunnah having formed a part of the Ahmednuggur Talooka ever since it was wrested by conquest from the Rajah of Edur. Captain Lang at the same time observes that, as respects this original right, there is doubtless much to be said on both sides of the question, but that a much stronger claim on the part of Ahmednuggur consists in the undisturbed possession of the Mourassa villages for upwards of 20 years, which, he observes, it can hardly be conceived would have been submitted to by Edur had the Rajah of that place looked upon the very irregular and entirely unsanctioned adoption of Prithce Sing as the only ground on which Kurn Sing, the Rajah of Ahmednuggur, continued to retain possession of Mourassa after his brother Partab Sing's death.

11. Captain Lang further states, with reference to the last of the

^a Whether the blood relations of A can acquire a right to property originally belonging to the adoptive father of A

three queries submitted for the opinion of the Judges of the Sudder Adawlut, that it is not as the blood relations of the adopted son

alone that the Ahmednuggur and Edur families have a right to Mourassa before any claim that can be advanced in behalf of the British Government, since it must not be lost sight of that Zalum Sing of Mourassa, who first adopted a son, was the full uncle of the then Rujah of Edur and Ahmednuggur, Gumbur Sing, and Kurn Sing, as also of Partab Sing (Kurn Sing's younger brother) when he adopted, and that, as, if he had not adopted a son, his possessions must, as a matter of course, have reverted either to Edur or Ahmednuggur, or possibly have been divided in some way between them, he conceives that it stands to reason that his adoption of a son, whether he had belonged to the same family or to an entirely different one, cannot interfere with their right as heirs failing the direct line of descent from Zalum Sing. This adoption, Captain Lang observes, merely prevented their succeeding at the time by giving Zalum Sing a son, but that, if they had a right, which he conceives cannot be questioned, "to succeed him had the direct line then become extinct, they must, as a necessary consequence, have precisely the same right to succeed his son or his grandson under similar circumstances."

(Sd) J P WILLOUGHBY,

The 20th February 1843

Secy to Govt of Bombay

From the Secretary to Government of Bombay to J THOMASON Esq Secretary to Government of India, Political Department Fort William—No 187 2741 dated the 2nd November 1843

In continuation of my letter, No 184, dated the 30th ultimo, regarding the succession to the State of Jodhpore consequent on the death of the late Maharaj, I am directed to transmit to you, for submission to the Right Hon'ble the Governor General of India in Council, copy of a further letter, and of its enclosures, from the Political Commissioner for Guzerat, No 201, dated the 26th ultimo, on the subject

2 In forwarding these documents, I am desired to state that the Hon'ble the Governor in Council deems it very desirable that the question alluded to in Mr Boyd's communication should be decided upon as soon as possible

From the Political Commissioner for Guzerat and Resident at Baroda to J. P. WILLOUGHBY, Esq. Secretary to Government of Bombay,—No 201, dated the 26th October 1843

IN continuation of my letter of the 24th instant, No 200, regarding the succession to the guldee of Jodhpore, I have the honour to submit, for the information of the Hon'ble the Governor in Council, another communication, in original, from Captain Lang, dated the 22nd idem, No 623, on the same subject

From CAPTAIN W. LANG Political Agent in the Mabee Kanta, to W. S. BORN Esq. Political Commissioner and Resident Baroda,—No 623, dated Saira the 22nd October 1843

WITH reference to my letter of the 20th instant regarding the eventual disposal of the Ahmednuggur Talooka consequent on the adoption of Maharajah Tukt Sing into the Jodhpore family, I have now the honour to annex translations of the letter received last night from my Head Karkoon after his arrival at Ahmednuggur, and of two other communications received this day, one from Tukt Sing's infant son, Juswant Sing, but signed by one of the Ranees, and the other from the Karkoon deputed by me to remain at Ahmednuggur for the purpose of superintending the management of affairs there and preventing any disturbance, pending the receipt of the instructions of Government. I shall lose no time in writing to the Ranee on the gross impropriety of the conduct of her people in refusing to admit the Government Mehtar and the few Sowars who accompanied him into the town, and on the breach of the Agreement entered into by the late Maharajah Prathee Sing when the Talooka was restored to him in 1836, which will be involved if the large number of extra Sebundee which appear to have been entertained are not immediately discharged, I shall also, of course, assure her of protection against Ldur pending the receipt of the orders of Government regarding the Ahmednuggur succession, but distinctly intimate at the same time that I have not the authority to recognize any one as Chief of that State till the question has been settled by the Hon'ble Board, when the earliest intimation shall be sent to her. Measures shall also be adopted to guard against any attempt on the part of Ldur to disturb the

perce, and I purpose myself proceeding as soon as possible to Bhopal, in order to be near the spot to prevent any outbreak. All this will, I doubt not, produce the desired effect for the present, but if it be decided that the Ahmednuggur family cannot be allowed to retain that Talook, it is possible that a show of force may be necessary to deprive them of it, and it, therefore, appears doubly desirable that whatever arrangements may be determined upon with regard to Ahmednuggur should be required to be agreed to by Maharajah Tukht Sing himself at Jodhpore as one of the conditions of our Government confirming him in the succession to that State.

2 It will be observed that mention is made in my Head Kirkoon's letter of the young Ahmednuggur Maharajah having been adopted by the widow of the late Rajah Pithel Sing, Tukht Sing's elder brother, but as he died so far back as December 1839, and his posthumous son and heir in September 1841, when Tukht Sing was recognized as his successor, I imagine an adoption of this kind can never be allowed to the injury of the party to whom the State would otherwise lapse. If the case, however, has to be referred to the Hindoo Law Officers of the Adawlut, it will doubtless add to the intricacy of the question, and thus cause additional delay in settling it, which forms another strong reason for including the negotiation on this subject in any new arrangement which may be made with Maharajah Tukht Sing at Jodhpore before his succession to the Marwar guddee is finally confirmed by the British Government. The Ranees's letter now forwarded, or rather that in the name of Juswant Sing himself, makes no allusion to the adoption, nor did the one from Tukht Sing forwarded with my letter of the 20th instant, but from what I have heard from other source, it took place, as stated by my Head Kirkoon, on the 19th instant, the day before Tukht Sing started for Jodhpore. The irregularity and impropriety of taking such a step without the concurrence of Government are, in all probability, the reason of the silence observed regarding it. And I have no doubt, after the invitation which was sent from the Ranees of Jodhpore for Juswant Sing likewise to proceed there as heir apparent that it emanated more from the bad advice of the Karbarees and other dependents of the Ahmednuggur family, who would, of course, lose so much by the transfer

of the Talooka to Elur than from any wish of Tukht Singh himself to increase still more the animosity existing between the Elur and Ahmednuggur families.

3 If you agree with me in the view I have taken of the subject, it will be necessary to address the Governor General's Agent at Ajmere regarding it without delay, sending him afterward, as soon as you receive it, the decision of the Bombay Government as to the disposal of the Ahmednuggur Talooka. I shall also feel obliged by your bringing this communication to the early notice of the Hon'ble Board and obtaining the necessary instructions for my guidance with the least convenient delay. Your own sentiment on any point on which you may consider that I have taken an erroneous view would also, in the meantime, be very acceptable.

4 As regards the disrespectful conduct of Juggeewan Desave and Gowree Sunkar Mehta towards the *Karkoon* sent by me to remain at Ahmednuggur, I am desirous first of hearing what excuse they can give for themselves before offering any opinion of the notice which should be taken of it with a view to the due support of our authority in this province. Juggeewan has long been the principal *Karkaree* of the Ahmednuggur State, and is a man of an intriguing disposition, having, moreover, within the last year or two, been suspected by the Chief himself to have misappropriated the revenues to a considerable extent, the other is a subordinate *Karkoon* of very indifferent character, and has only lately been employed at Ahmednuggur. After making full enquiries however, and seeing the effect of the measures I have now adopted, I shall do myself the honour of reporting further on this subject at an early date. The coolies employed at Ahmednuggur, it will be seen have in a great measure dispersed, and I shall write to the Collector of Ahmedabad, and have directed letters to be written to our District Officer at Perambur and Moura, to request that the *Aushalees* and coolies belonging to our own pergunnahs may be warned against taking service at present with the Ahmednuggur Chief, and informed that, as the levy of extra *S'zadee* there is contrary to agreement with our Government if any disturbance takes place, every individual concerned in it will be held personally responsible, and subject himself to punishment accordingly.

FROM VENAIK ROW MAHADOW ROW Heel Karkoon to the Agent to CARTAIN
LANG Political Agent in the Mahee Kanta

I HAVE to report to you that, after leaving you on Friday, the 20th instant, I arrived here about 12 o'clock that night, and had intelligence from the village that the Maharajah had left Ahmednuggur that morning and proceeded to Shewghur, and in the evening to Perimlee. I hear his halting place to day is Burnuggur, and from thence he proceeds direct to Pulinpore, thence a stage further, where a palanquin dāk is stationed. The people accompanying the Maharajah will halt there while he goes on quickly to Jodhpore. This is the intention, and Desser Juggewan informs me it is the Maharajah's intention to arrive, if possible, at Jodhpore by the 2nd of Kartick Sood (25th instant), so as to spend the Dewalee festival there, but this will be impossible, as to-morrow (Monday) is the principal day.

I intend, if possible, being at Perimlee to day at noon. When I arrived here I got the Desser to write a letter, and sent it by two Sowars to stop the Maharajah, and when I see him I shall understand everything, and giving him your letter get his reply.

The Maharajah has proceeded alone, leaving his Rinees and family here, his eldest son also, on the night of the 19th. The Maharajah placed his eldest son on the lap of his brother Maharaj Prithvi Sing's widow, and consigned the throne here to him. There were written Agreements made, and the Sirdars and Puttawuts signed them. I have been given to understand the papers of the State are to be signed by the *Drees*, and the administration of the estate is consigned to Desser Juggewan, who tells me the Maharajah told him to take charge for the present.

I have enquired regarding the Sebunder entertained, and find that besides those the Maharajah has taken with him there are here about 150 as follows —

Foot

100 The Thakoor of Wagpore his son and followers

10 Of the Bhels of Wadree

40 The Sirdar Kanta village of Happa

40 Jettar Bhatti Sirdar Jettar Bhatti Sirdar

100 Belonging to the villages of the Jettar and Moura Pergundis

Sowars

15 Nijoo Mutt of Perimlee

7 Belonging to the Thakoor of Wagpore

15 From various villages

This is the number of persons assembled in the village, and it is the intention of the Dessae to entertain more horse and foot from Kyzaloo and other places

I have told the Dessae not to entertain any Sebundee, but I will write more fully on my return

I have directed Karkoon Amrut Lal to return to the Huzoor, and have left Sudasen Bhow here with 25 Sowars, but the Komwar being here, what are your wishes regarding the management? Your orders will be required particularly about this. What more can I write? This is my statement. I will write all I hear afterwards

FROM MAHARAJ SHREE JUSWUNT SINGLEE of Ahmednuggur to CAPTAIN LANG
Political Agent in the Malabar Kanta

WHEN the Mahraj Tukht Singjee left this for Jodhpore, he gave over the possession and management of this estate to me, and I am conducting it according to the custom among us. Whatever business you may have with it shall be duly taken in hand and carried out. Let the Sirkar be satisfied of this. The Sirkar has sent out Sedasow Row, Karkoon with 25 Sowars, on account of the enmity prevailing between us and Idar. I have given my garden bungalow for them to reside in, and they will be on the alert. Your kindness in sending Bala Sahib with an escort to accompany Miharaj Tukht Singjee has been very great. I will send a Karbaree to the Huzoor in a few days for the settlement of the Amleera and Byer claims, and shall continue to exercise the control I have of the estate with due deference to the Sirkar's wishes.

Sanewar Assoo Wud 13th Dumbut 1899, corresponding to 21st October 1843

Underneath the signature of the Rince

FROM SEDASOW RAMAJEE Karkoon to CAPTAIN LANG Political Agent in the
Malabar Kanta

ACCORDING to your orders, I accompanied Venruk Row on the 20th instant, and arrived here that night at 12 o'clock, encamping outside the town. The next morning Venruk Row, having reported every thing to you,

left this for Pahlunpore I went with him to the river, and on my return was about entering the town, when I was stopped by an assembly over the gate of some 50 Rappoots and Bheels, who had their matchlocks all ready lighted, and who told me I was not at liberty to enter the town I asked them, why? and they told me it was Dessree Juggeewan's orders that no one should enter they made a great dispute with my Sowars, and it was evidently their intention to threaten me I saw this, and, leaving the place, went and put up outside The Dessree was sent for by me once or twice after this, but he never came, nor sent me a perwanah to enter the town, the third time that I sent, Gowree Sunkur came to me, I remonstrated with him, and he wrote a letter to the Dessree, on which he (the Dessree) came to me, and I told him you had written to the Maharaj that I had been sent here, and that I had come here alone for their benefit This I reiterated to him several times, but, by Gowree Sunkur's bad advice, he said he had no orders to allow me to enter the town, and that he would not, he told me to put up outside, and that he had nothing to do with me he said also he would write to the Maharaj, and if he sent orders, I should be allowed to enter In this manner did he, without writing even to the Maharaj, reply without any fear of the Sirkar before his eyes, he only said I might enter myself alone if I wished in the way of friendship, but I told him I could not do this without my people were also allowed, and that friendship must be thrown aside when the Sirkar's business required it I told them I should write all this to you, when the Dessree and Gowree Sunkur said, both, "by all means Report it," and with his disrespectful rejoinder and tone they have adopted Without the Sirkar's interference how shall I be able to get on here? Therefore be pleased to make arrangements that I may enter the town Without the Sirkar's assistance I shall be useless, and no one will hold me in account, therefore send me detailed orders as to what are to be my duties here, when they shall be performed I have spoken to the Happa Mehta and the Thakoor, and got them to dismiss the Bheels of that place, there are some 8 or 10 of the Waorle Bheels here, but they will go likewise The Durbar Kharbaree is composed of Juggeewan Dessree, Gowree Sunkur, and Gelu, who are here Roopram has gone to escort the Maharajah, but will return Hurgewan alone will remain with the Maharajah All the gates of the

town are guarded by some 20 men each, and there are about 40 Sowars in the Puga there are also about 200 or 250 Sebundeas, they have hitherto been in great fear of Edur, and their intention is not to give up a morsel of the estate until the Jodhpore and Ahmednaggur forces are annihilated, and this the Desaee says also this is what I have to report. Karkoon Amrut Lall proceeds to day to the Huzoor agreeably to orders, and will personally relate everything, be pleased to send me orders in reply to this this is my statement

Assoco Wud 14th Sumbut 1899, corresponding to 22nd October 1843

From F CURRIE, Esq Secretary to Government of India Foreign Department
to J P WILLOUGHBY Esq Secretary to Government of Bombay—No
1094 dated Fort William the 13th November 1843

I HAVE the honour to acknowledge the receipt of your despatches of 30th ultimo and 2nd instant, Nos 184 and 187, with their respective enclosures

2 I am directed by the Governor General in Council to desire that you will move the Governor in Council of Bombay to give instructions to Captain Lang, the Political Agent in the Mahee Kanta, for the immediate withdrawal of all persons in the service of his Agency from the Ahmednaggur State, unless their presence should be required for the protection of that State against any hostile movement from Edur

3 The Governor General in Council, as at present informed, is not prepared to advance any claim on the part of the British Government to any portion of the territories of any branch of the house of Edur, or to take any measures for the purpose of transferring to the elder branch of the house of Edur the territory of Ahmednaggur, or any portion thereof

4 Captain Lang will inform the ruling Authorities in Ahmednaggur and the Ranee of Edur that the British Government will not permit any reference to arms of the differences between the two branches of the Edur family

From the Secretary to Government of Bombay, Political Department, to F CURRIE, Esq., Secretary to Government of India, with the Right Hon'ble the Governor General, Camp—No 8 2936, dated the 23rd November 1843

IN continuation of my letter, No. 7, dated the 18th instant, regarding the succession to the sovereignty of Jodhpore, I am directed by the Hon'ble the Governor in Council to transmit to you, for submission to the Right Hon'ble the Governor General of India, copies of two further despatches from the Political Commissioner for Guzerat and Resident at Baroda, Nos 220 and 221, dated the 15th of the same month, and to request the particular attention of His Lordship to Captain Lang's letter, dated the 8th instant, No 670.

From W S BORN, Esq., Political Commissioner for Guzerat and Resident at Baroda, to J P WILLOUGHBY, Esq. Secretary to Government, Bombay,—No 220, dated the 15th November 1843

IN reference to my letter of the 12th instant, No 218, I beg to forward Captain Lang's further despatch, dated the 8th idem, No 670, on the subject of the Jodhpore successions.

From the Political Agent in the Mahee Kanta, to W S BORN, Esq., Political Commissioner and Resident at Baroda,—No 670, dated Samlajee, the 8th November 1843

IN acknowledging the receipt of your letter of the 2nd instant and the copy of your despatch of the same date, to the address of Mr Secretary Willoughby, which accompanied it, on the subject of the succession to Ahmednuggur consequent on the adoption and election of Maharajah Tukt Sing to the throne of Marwar, I have the honour to inform you that it is entirely on the ground that Tukt Sing is acting contrary to any Rypoot usage which we can recognize and sanction in justice to the Edur State and its young Chief that I so strongly advocate the reversion of Ahmednuggur to the parent principality. There can, I imagine, be but one opinion, that sound policy calls still more loudly for the measure, and under the peculiar circumstances of Maharajah Tukt Sing's

succession to Jodhpore, in supersession of the elder branch of his own family, I should hope that the Government of India, if necessary, would be disposed to take up the question on this ground alone. This is a point, however, which it would be presumptuous in me to press after having stated my humble but confident opinion that the continued tranquillity of the Malhee Kanta for years to come will mainly depend on its being kept as independent of Marwar influence as it has heretofore been. The justice of the Edur claim to Ahmednuggur, however, is a question on which I deem it my duty to offer a few observations, as you appear to entertain some doubt on the subject, and I trust in the view I have all along taken on this point, whichever of the two Chiefs had been adopted into the Jodhpore family, that I have not allowed my idea of the policy of the question to interfere, beyond requiring that any precedents on which we might sanction the retention by the future Sovereign of Marwar of a dependency in this province should be founded on some unquestionable basis.

2 The grounds upon which Maharajah Tukt Sing may set up his claim to retain Ahmednuggur in his family must, I imagine, be one of the three following — 1st, in his own right in addition to Marwar, as having formerly belonged to him, 2nd, in the right of his eldest son, who, of course, was heir to it in the event of his death, and 3rd, in the right of his son as the adopted child of his elder brother Prithce Sing's widow. Colonel Sutherland in his reply to my letter on this subject, a copy of which was forwarded to you on the 6th instant, alludes to one other mode of disposing of the Ahmednuggur Talooka, viz, the election of a successor to Tukt Sing by the Sirdars and others having a right to choose a Ruler for themselves. Such a system, however, is not recognized even in the Edur State, as far as my knowledge extends, although it has its principal Puttawats and inferior Chiefs somewhat on the model of Marwar and the other larger States of Rajpootana, and it would never, I imagine, for a moment, be asserted in Ahmednuggur, which, having originally been merely the appanage of a younger son, has nothing pretending to the title of Sirdars, except two or three of the most petty description of Chiefs, only one of whom, as far as I am aware, enjoys more than the produce in grain of a single village.

3 As regards, then, the first tenure I have mentioned on which Maharajah Tukt Sing may claim Ahmednuggur, that of keeping it in his own right, I consider it fully disposed of by the reply received by Government last year from the Sudder Adawlut regarding the disputed succession to the Mourassa Pergunnah, which decided that, according to Hindoo Law, an adopted son forfeited all claim to the property of his actual father. Having left last year's records at Sadro for the purpose of being bound up, I regret that I cannot refer you to the date of the letter containing this decision as that of the Law Officers of the Adawlut in the supposititious case submitted to them, but I think you will find it some time in August of last year, and I am pretty sure that I have rightly quoted it. If I have done so, it would surely, under the circumstances under which we are now called upon to decide on the conflicting claims of Edur and Ahmednuggur to the possession of the last mentioned talooka, be an act of downright injustice to decide in favour of Ahmednuggur on any contrary precedents that might be produced, or even on any opinion of the principal Chiefs of Rajwarra, which the preponderating influence of Marwar, as one of its largest States, might very possibly succeed in obtaining in favour of Maharajah Tukt Sing's claims.

4 With regard to the claim of Tukt Sing's son to retain Ahmednuggur as his heir, I am not aware what the decision of the Hindoo Law of Adoption as interpreted by the Law Officers of the Adawlut would be upon this point, but as there can be no doubt, from the invitation of the Jodhpore Ranees to the Maharajah to take his son with him as heir apparent to the Guddee of Marwar, that they now look upon him, equilly with his father, as a scion of the Royal House of Jodhpore, it stands, I humbly conceive, to reason that he can have no claim to his former patrimony, even if the Hindoo Law of Succession should sanction the anomaly of a son having a right to what his father before him has forfeited by adoption into another family. Tukt Sing will easily, I doubt not, get this invitation cancelled if necessary, but its having been given at the time he was himself elected to succeed the late Maharajah Maun Sing sufficiently shows the light in which his son is regarded by the Marwar

Authorities themselves, and in the event of anything happening to Maharajah Tukht Sing, his right to succeed to Jodhpore would, I imagine, be universally admitted to be valid, so that leaving him for the present in charge of Ahmednuggur would in reality be tantamount to Tukht Sing's retaining it himself as a dependency of the Jodhpore State, and could not, I humbly conceive, be allowed without the greatest injustice to the Ldur Durbar, to whom the talooka originally belonged. The report mentioned in my letter of the 20th ultimo of Tukht Sing's having had another son born to him just as he was leaving Ahmednuggur for Jodhpore turns out, I find, to be unfounded, but even if true, it could not, I imagine, have affected the merits of the case, the birth not having been stated to have taken place till after the Maharajah's election as Sovereign of Marwar.

5 The ground, however, on which Tukht Sing himself appears to consider himself entitled to retain Ahmednuggur in the family is by giving his son by adoption to his late brother's widow, but I think I shall be able to satisfy you that this claim on his part is not only unreasonable, but altogether untenable. I have already mentioned Tukht Sing's expectation to have succeeded to Ldur had the young Chief of that place obtained the sovereignty of Marwar, but if the late Prithi Singh's widow can be allowed to adopt a son after having lost her husband nearly four years ago and her own son upwards of two, the Ranees of Ldur would surely have had a still stronger claim to adopt another son from the Soor branch of the family (likewise eligible for the succession) had her own son, Jowan Sing, been adopted or elected to the Jodhpore throne. Not only, however, did Tukht Sing expect to succeed to Ldur had this happened, but, as far as I was able to ascertain, the Ldur people themselves thought he would have a full right to do so, and I have the strongest grounds for believing that when Jowan Sing was dangerously ill from small pox, a few months after I arrived in the Mahee Kanta, in the early part of 1839, many of the valuables supposed to have disappeared from the Durbar on the death of the late Rajah Gumbher Singh, and about which I have lately been enquiring as forming one of the charges against the Ex-Minister, Chajooram, were removed by

the Ranee's brother, Peethajee (of course with her consent), to their own village of Maunsa, under the knowledge that, if the young Chief died, the Ahmednuggur family would succeed to Edur as a matter of course. If, therefore, Edur as the parent State would not have been allowed, under such circumstances, to adopt or elect another Chief for itself, and it is thus evident that the parties most deeply interested in the matter had no expectation that such a thing could take place, it must follow as a necessary consequence that any adoption of the kind in the junior branch of the family could never be permitted without gross injustice to the young Edur Chief. In fact, the only way in which I can account for the Ahmednuggur people for a moment imagining that the claim they have put forward to retain that talooka can be recognized by Government is by supposing that, instead of resting it on any single one of the grounds on which alone it could be justly sanctioned, they mix them up together, and hope that the young Maharaj Juswant Sing, partly as Tukt Sing's heir, and partly as the adopted son of his late brother, may be allowed, for the present at least, to represent the Ahmednuggur family, trusting to Tukt Sing's influence as Maharajah of Marwar to effect some more permanent arrangement hereafter. It must, however, I humbly conceive, be conceded on all hands, that, if Tukt Sing and his son had been removed by death, the idea of his late brother's widow being allowed to adopt a son from any other family would never have been entertained for an instant and in this case, if I am right in supposing that by Tukt Sing's adoption into the Jodhpore House both he and his son are virtually dead, as far as Ahmednuggur is concerned, the talooka must necessarily revert to the parent State of Edur as a matter of strict and undeniable right.

From the Political Commissioner for Guzerat and Residen at Baroda, to
J P WILLOUGHBY Esq Secretary to Government, Bombay—No 221 dated
the 15th November 1843

With reference to your letter, dated the 30th October last, No 2723, I beg to hand up copy of Captain Lang's letter, dated the 4th instant, No 672 for the consideration of Government

2 Captain Lang seems to overlook the advantage accruing to all parties in the abolition of these vexatious duties, and altogether I do not approve of the tone or spirit which pervades this despatch

From the Political Agent in the Mahes Kanta, to W S BORD Esq, Political Commissioner and Resident at Baroda,—No 672 dated Samlajee the 6th November 1843

IN acknowledging the receipt of your letter of the 3rd instant, No 677, and its accompaniments, from Mr Secretary Willoughby, regarding the Ahmednuggur succession, I have the honour, with the utmost deference, to inform you that, if it is intended to require the Edur Durbar to make the concessions mentioned in the 3rd paragraph of Mr Willoughby's letter of the 30th ultimo to Mr Secretary Thomason's address as a condition of its receiving back Ahmednuggur and its dependencies, without granting any equivalent for the abolition of the transit duties and other concessions required, the effect will, in my humble judgment be exceedingly prejudicial throughout this province, as tending to create in the minds of all classes of Chiefs a feeling of alarm that Government only awaits some fitting opportunity gradually to appropriate their possessions to itself, and thus to shake the high sense hitherto entertained, not only of the justice, but of the generosity and forbearance, of the ruling power. Insisting on the concessions alluded to, and which are, doubtless, most desirable even on the payment of an equivalent, would probably be regarded by many as an act of harshness towards the young Chief, considered as he universally is throughout the Province as specially under our protection but, under the circumstances of the case, the Durbar could doubtless be persuaded willingly to concede this much, and moreover, I trust, convinced that our object in requiring it was to benefit all parties. The appropriation by our Government, however, of any portion of what they consider their just right, and to which we can surely have no valid claim without either voluntary cession or the payment of an equivalent, would be so contrary to the

policy which has heretofore been pursued towards these petty Chiefs, that I am sure I shall be excused for earnestly soliciting the indulgent reconsideration of the subject by the Hon'ble Board

From the Secretary to Government of India, Foreign Department with the Governor General to J P WILLOUGHBY Esq Secretary to Government of Bombay—No 47, dated Agra, the 14th December 1843

I AM directed to acknowledge the receipt of your letter, No 8, dated 23rd ultimo, and its enclosures, relative to the State of Ahmednuggur

2 In referring you to my letter, No 1094, of the 13th ultimo, I am directed by the Governor General to request that instructions may be given to the Political Commissioner for Guzerat and the Resident at Baroda to terminate this correspondence the continuance of which can only tend to keep up excitement in the States of Edur and Ahmednuggur

3 I am at the same time directed to observe that the question discussed in these papers is one of general policy, to be decided by the Supreme Government

From MAJOR C THOMESBY Officiating Agent to the Governor General for the States of Rajpootana, to F CURRIE Esq Secretary to Government of India, Foreign Department with the Governor General—No dated the 18th December 1843

I HAVE the honour to enclose to your address two letters which were forwarded to me from Bombay by Lieutenant Colonel Sutherland, Agent, Governor General, in Rajpootana, with a request that I would docket and transmit them for submission to the Right Honble the Governor General of India in Council One of them is addressed to the

Secretary to the Government of India, dated
 • Duplicate copy furnished Bombay, 2nd December 1843 * referring to questions which may arise from the election and adoption of Rajah Tukht Sing of Ahmednuggur to the sovereignty of Marwar, and the other is

copy of letter submitting a transcript of the former for the information of the Hon'ble the Governor of Bombay in Council through the Secretary to the Bombay Government

From LIEUTENANT COLONEL J SUTHERLAND Agent to the Governor General for the States of Rajpootana, to F CURRIE, Esq, Secretary to Government of India, Foreign Department—No. , dated Bombay, the 2nd December 1843

UNDERSTANDING that two questions of some delicacy and difficulty are likely to arise out of the late election and adoption of Rajah Tukht Sing of Ahmednuggur to the sovereignty of Marwar, I think it proper to submit my sentiments on these questions for the consideration of the Right Hon'ble the Governor General of India in Council, although I have relinquished, temporarily, my duties in Rajpootana, because the election and adoption were made by the Chiefs of the State and the widow of the late Maharajah in communication with me, whilst I exercised political superintendence there

2 1st.—Whether succession amongst the Bhatorees be by election? and, if so, within what limit the elective franchise may be exercised?

There is no question, I think, that within certain limits it is elective, the right of election lying with the feudal Chiefs and the brethren of the late Sovereign, who will, too, always consult and co-operate in this important matter with his widow or widows, since, to render the measure complete, the senior widow has to adopt as her son the person so elected. According to the original Hindoo Law, adoption, I believe, could only take place during the life time of the person to be succeeded. But practice appears to have now established the rule that the right of adoption may be exercised by the widow in conformity with the death-bed injunction of the husband, which, of course, she has never any difficulty in declaring that she had received. Under any circumstances, the person to be elected must belong to the family (be descended from the same ancestor) of the person to be succeeded. But it is not at all necessary that he should be the next of kin, on the contrary, he may be the most remote. Of this we have constant

examples The most recent and important that occurs to me was in the Kishenghur principality, also Bhaitores The Rajah of Luttehghur, a feudal Chief of the principality, was the nearest of kin, and had claim to the succession on behalf of his son, but the Chiefs of the State elected, and the widow adopted the fourth son of the fourth brother of the Luttehghur Rajah, who was, of course, fifteen removes further from the throne, according to our views of the rights of primogeniture, than the eldest son of the Futtehghur Rajah The election and adoption were considered perfectly valid throughout Rypootana, and the adopted child, Maharyah Prithee Sing, now reigns over Kishenghur in the room of Maharajah Mokhem Sing There was, of course, no hesitation on the part of the Agent, Governor General, or on the part of His Lordship in Council, in recognizing a Sovereign so constitutionally chosen, although the election and adoption were entered into without reference to our authority, which must, indeed, generally be the case, since, amongst Rajpoots, the ling or head of the house never dies, and there is not, therefore, time for reference In the houses of feudal Chiefs the same rule prevails as in sovereign houses, and the adoption is made without any reference to the Sovereign's authority, although the Sovereign is entitled to judge of the validity of the adoption where appeals against it are made to his authority But this is always done with great delicacy, since, as is said, to force on a widow the adoption of a child might be to force her to take a serpent to her bosom, or the child of an enemy of the house

According to this view of the question, the election and adoption of Rajah Tukt Sing to the sovereignty of Marwar is in all respects perfectly constitutional, and it has this merit over most elections and adoptions, that Tukt Sing is of mature age, and those concerned in this important measure are not, like the Kishenghur Authorities and the Authorities in most other cases, open to the reproach of having adopted the youngest member of the family in order to secure power to themselves during a long minority

2 2nd—Since Tukt Sing has relinquished his Ahmednuggur Chiefship for the sovereignty of Marwar what is to become of this possession?

Ahmednuggur, as I understand is a branch of the Edur House, from which it was separated less than a century ago, becoming, I conclude, the portion of a younger son. Edur itself was separated from Marwar some generations ago, becoming also, I conclude, the portion of a younger son of Marwar, but on this subject I would wish to be understood as speaking with hesitation, since both Edur and Ahmednuggur are subject to the control of the Political Commissioner in Guzerat and the Resident at Baroda and, consequently, unconnected with the Rajpootana Agency.

It will be found, I believe, that neither amongst the Bhattoras nor any other tribe of the Rajpoots or Hindos although consisting of separate sovereignties, are there any separate or written laws beyond those contained in the general code of the Shasters, and that all questions relating to succession are decided more according to precedent (common law) than by reference to the Shasters. Precedent, too, as in other countries, varies so much, that it is exceedingly difficult to settle any one question by reference to it, for precedent for all things will be quoted and established to serve a particular purpose.

The same relation which on the part of the Chiefs and widows of Marwar elected and adopted Tukt Sing to the sovereignty of Jodhpur named his eldest son heir apparent to that sovereignty, but I have not heard whether the son accompanied his father, or accepted the proffered heir apparentship, thus like him, relinquishing the Ahmednuggur Chiefship or whether Tukt Sing has not another son who may succeed to Ahmednuggur, and this is a question which, if occurring in Rajpootana, I should leave to the Chief and people of Ahmednuggur to decide, subject only to the confirmation of the paramount house to which they owe allegiance, whether that house be Marwar, Edur, or the British Government.

Another, and, perhaps, equally intricate question will arise out of the Marwar succession. Suppose that Maharajah Tukt Sing has not a second or third son who can take his own place at Ahmednuggur, whether then will that Chiefship revert to Edur, from which it was last separated, or to Marwar, the common parent of both Chiefship, and be governed from Jodhpore? (Hanover to England.) Here, again, precedent will probably be found amongst Rajpoots both ways.

The latest case that occurs to me of this kind was in the Serohi principality Nimaj had been assigned many generations ago as a provision for a younger son of Serowee. In process of time Nimaj itself made an assignment for a younger son, whose descendant died a few years since without heirs. Serowee claimed right of succession to this appanage in preference to Nimaj, and precedents were referred to in support of both claims. But eventually it was ruled that right of succession lay with Nimaj, for that although Serowee might claim right of succession to Nimaj itself in failure of heirs in her own feudal Chiefship, yet that she could not justly lay claim to what had been granted by Nimaj whilst heirs of that house were in existence.

2 Although I have not at Bombay held communication with any of the authorities of that Government on these questions, I think it proper to submit, for the consideration of the Hon ble the Governor in Council, a copy of this letter, through a letter of which the enclosed is a copy, since I have had some correspondence on the subject with the Political Agent in Mahce Kanta.

FROM LIEUTENANT COLONEL J SUTHERLAND, Agent to the Governor General for the States of Rajpootana, to J P WILLOUGHBY Esq Secretary to Government of Bombay—No dated Bombay the 2nd December 1843

HAVING had some correspondence with Captain Lang, the Political Agent in Mahce Kanta, on the subject of the succession of Rajah Tukht Sing of Ahmednuggur to the sovereignty of Marwar, and on the questions arising out of that succession, I think it proper to submit, for the information of the Hon ble the Governor in Council, a copy of a letter which I have this day addressed to the Secretary to the Government of India on that subject.

FROM the Secretary to Government of India Foreign Department with the Governor General to MAJOR C THORNTON Officiating Agent to the Governor General, Rajpootana,—No 125 dated Camp Hingonah the 2^d December 1843

I AM directed to acknowledge your letter of the 18th instant, enclosing one from Lieutenant Colonel Sutherland to my address, under date the 2nd instant, and with reference to the subject discussed therein,

I am directed to request that you will state, for the information of the Governor General, what appear to be the feelings and desires of the Marwar Chiefs as to the future position and rule of the Ahmednuggur State

From MAJOR C THORNTON, Officiating Agent to the Governor General for the States of Rajpootana to F CURRIE Esq Secretary to Government of India Foreign Department—No 14 13 dated Jeypore the 17th January 1844

IN reply to your despatch, under date the 26th ultimo, No 125, requesting to have stated, for the information of the Governor General, what appeared to be the feelings and desires of the Marwar Chiefs as to the future position and rule of the Ahmednuggur State, I have the honour to transmit copy of letter from the Political Agent, Jodhpore, No 13, of date the 11th instant, representing that the principal Sirdars at the capital have concurred in the opinion that Ahmednuggur should be regarded as a distinct sovereignty appertaining to Maharajah Juswant Sing, in right of his adoption by the widow of Maharajah Prathee Sing, who was the elder brother of Maharajah Tukht Sing, and possessor of the sovereignty before him, also that, in consonance with prescriptive usage among Rajpoot families, the control of the ministration of public affairs appertains to the adoptive mother of the Prince

2 At the same time I beg leave to enclose copy of Captain Ludlow's letter, No 462, dated the 13th ultimo, and of its enclosures, which documents have been detained a short time with the view of placing at once the whole of the subject in a complete state before the Right Hon'ble the Governor General of India

From CAPTAIN LUDLOW, Political Agent, Jodhpore to MAJOR THORNTON Officiating Agent to the Governor General for the States of Rajpootana—No 13, dated the 11th January 1844

I HAVE the honour to acknowledge the receipt of your letter, No 1156, of the 30th ultimo, with its enclosures, No 125, of the 26th idem, from Mr Secretary Currie, requesting to be informed what would appear to be the feelings and desires of the Marwar Chiefs as to the

future position and rule of the Ahmednuggur State, and, in reply, to inform you that the principal Sindars at this capital have concurred in the opinion that Ahmednuggur should be regarded as a distinct sovereignty appertaining to Maharajah Juswunt Sing by right of his adoption by the widow of Maharajah Pithee Sing on the assumption of the sovereignty of Marwar by Maharajah Tukt Sing

2 As regards the exercise of authority within the Chiefship of Ahmednuggur, it is considered by the Marwar Sindars that it appertains, by prescriptive custom among Rajpoot families, to the adoptive mother of Juswunt Sing, and that Her Highness is privileged to make such arrangements as she may consider proper for carrying on the administration of affairs during the minority

From CAPTAIN J LILLO Political Agent Jodhpore to MAJOR THORNTON
 Officiating Agent to the Governor General for the States of Rajpootana
 Ajmere—No 162 dated the 13th December 1843

WITH reference to Captain French's letter, No 1129, of the 17th of November, transmitting, for my information, copies of one, No 897, of the 6th idem, from the Resident at Baroda, and correspondence on the subject of the annexation of Ahmednuggur to Ldur, consequent upon Maharajah Tukt Sing's accession to the sovereignty of Marwar, I have the honour to enclose, together with translation, a khureeta from the Maharajah and of its accompaniments, asserting the grounds upon which it is held by His Highness that Ahmednuggur should not revert to Ldur

2 A copy of a letter which I have this day addressed to Captain Lang, the Political Agent in the Mahee Kanta, in transmitting the Native documents on the subject of the disputed title to Ahmednuggur, is transmitted herewith for information

Substance translation of a khureeta from MAHARAJAH TUKT SING to the address of the Political Agent at Jodhpore and of date corresponding with the 12th December 1843

(AFTER referring to the friendship which has always existed between the British Government and himself)

we here lately from Ahmednuggur to assume the sovereignty of from which came, and subsequent to my departure, Captain wrote to the Mysie Sahiba (of Ahmednuggur) to the effect that the claim of Edur has claim to Ahmednuggur.

My friend, the following is the state of the case — Among the sons of Maharajah Ajeet Sing of Jodhpore, deceased, two, namely, Maharaj Koonwar Anund Sing and Rae Sing, chanced in Sumblut 1781 to go to the frontier of Serohi and Edur, prior to which Edurees Rathores were in possession of Edur, Ahmednuggur, Mourassa, &c, and supreme authority was vested in one of their number styled Rao. The personage (exercising rule at the above named period) was possessed of only ordinary capacity.

At the time of the Soubah of Guzerat being conferred by the Badshah upon Maharaj Ubhee Sing orders were given for bestowing upon him the said places, and the event became known far and wide. Upon which the whole of the zemindars and others of the tract in question represented to the two Maharajahs (Anund Sing and Rae Sing) that the Soubah of Guzerat having been conferred upon Ubhee Sing, and they being his own brothers, they should take possession of the places in question, which they did accordingly.

Maharaj Anund Sing had one son, whose name was Shew Sing.

Maharaj Rae Sing had no son born to him.

Maharaj Shew Sing had five sons, viz., Bhowanee Sing, Sugram Sing, Zalam Sing, Ameer Sing, and Indur Sing.

Jowan Sing, the son of Gurntur Sing and grandson of Bhowanee Sing, is at present (Chief) of Edur.

Sugram Sing had two sons, Kurn Sing and Purtab Sing, and the former remained (succeeded to authority) at Ahmednuggur.

Zalam Sing became settled (in authority) at Mourassa, and having no son, he adopted Purtab Sing, wherefore Maharaj Kurn Sing became the Chief of the three places, Ahmednuggur, Mourassa, and Byer.

Kurn Sing had two sons, viz., Prithhee Sing and myself. Prithhee Sing was Mookhtar of these three places, and I came here (to Jodhpore).

But prior to this event the widows of Pritheo Sing adopted my son, Juswunt Sing, and retained him at Ahmednuggur

The four sons of Indur Sing are at Soor

Juswunt Sing, who has been thus adopted as the son of Pritheo Sing by his widows, is residing with them in the three places in question, and conducting the affairs connected therewith in a suitable manner through their Chiefs and administrators. There is no interruption of any kind to their exercise of authority

Now that I have arrived at this capital, the Edurwala requires the annexation of Ahmednuggur to his Chiefship. My friend, under the circumstances of the case he has no claim to these three places, the Mookhtaree of Edur belongs to the Chief of that place, and that of Ahmednuggur to the Ahmednuggurwala. Moreover, it is the custom prevailing throughout Ryasthan that if a son exist, he shall exercise rule, and where no son exists, for the Ranees to adopt one, whereupon he becomes the legitimate ruler

Formerly Purtab Sing of Ahmednuggur was adopted as the successor of Zalun Sing of Mourassa, the Edurwala referred the case to the British Authorities and to the Gaekwar, but both concurred in doing justice, and having annulled the claim of the Edurwala, they continued to Purtab Sing his possession of Mourassa. Copies of the papers of the period alluded to are sent herewith. It is requisite that you become acquainted with their contents, and that, having translated them into English, you send them to the Sudder with a view to the Edurwala being prohibited from disputing the question of claim, since his title is void

Substance translation of a note (rendered into Hindee from the Gazeratee) from **ASUD RAO** Gaekwar of Baroda to the address of **PRITHAN SING**—dated Mah Bud the 8th Sumbut 1870, corresponding with A. D. 1818

ZALUN SING of Mourassa fell at Abkealaree in Sumbut 1863, leaving no son, **SUGRAM SING** of Ahmednuggur had two sons, the elder **KURN SING**, the younger yourself, and the widow, **RANCE CHUOREEJEE**, knowing

Zalum Sing's affection for you, received you in adoption, Bipoo Kasher and Rajeswarree Rognath Mubepur Rao being the medium of communication on the occasion

The last named person wrote to me on the subject, and upon my authority sent Bipoo Kasher to Mourassa, who having invested you, your adoption became complete. You received a dress of honour from the Sirkar (the Gaekwar) upon the occasion, and you assumed the administration of affairs. After this Gumbur Sing the Edurwala reflected that, being the head of the family (Patwel), he would obtain possession of Mourassa, and signified the same to the Sirkar, upon which he caused a paper to be written directing the annexation of Mourassa, Byer, and Meghury to himself.

Subsequent to this event, particulars having been fully ascertained, it was decided that you being the (adopted) child of an own brother (of Sugram Sing), your right was established, and the rule of the Edurwala, which had been ordered in writing, reversed.

The first paper of the Sirkar had been prepared, and the exercise of authority thereby granted to Gumbur Sing, but afterwards your Vakeel and the Vakeel on the part of Gumbur Sing came to the Sirkar, and, having searched out former documents, assembled four Shastrees, and caused them to ascertain the rule laid down in the Shasters. These persons pronounced that the adoption was legitimate, and that Gumbur Sing of Edur possessed no right or title. Thus it was resolved to make over the possession of Zalum Sing to you.

I have addressed Gumbur Sing to the effect that he had no title, I now send the letter to you that you may deliver it, obtain possession, and exercise authority.

Substance translation of a document rendered into Hindes from the Guzeratee from the Collector of Ahmedabad (names not to be recognized with any degree of certainty) and addressed to MAHARAJAH PURTAB SING—dated Chuet Bud the 4th Sumbut 1870 corresponding with A. D. 1818

Your Karbaree came here regarding your dispute with Gumbur Sing of Edur connected with Mourassa, Byer, and Meghury. He repre-

sented particulars and showed the written document I then wrote to the Government of Bombay, and orders were received by the Resident of Baroda to deliver the places in question to you, they are delivered over to you accordingly, and you will exercise authority therein as heretofore and should any event occur calling for assistance, pray make the same known to the Sirkar, and suitable aid will be continued to be extended in your behalf

The Resident at Baroda having addressed the British Authority at Ahmedabad to cause exchanges of such of your villages and those of the British Government as may be suitable to both parties to take place, I will report your wishes to the British Government and cause exchanges to have effect

From CAPTAIN J LUDLOW Political Agent Jodhpore to CAPTAIN LANG Political Agent in the Mahee Kanta —No 457 dated the 1th December 1843

With reference to your letter, No 708, of the 22nd ultimo, to my address, and its accompaniments, I have the honour to enclose, for information, copies of a khureetra and the documents annexed thereto, which I have received from Miharajah Tukht Singh, on the subject of the claim asserted by the Chief of Jodur to Ahmednuggur

From the Secretary to the Government of India, Foreign Department with the Governor General to MAJOR C THOBESBY Officiating Agent to the Governor General for the States of Rajpootana —No 176 dated Camp Secunder the 27th January 1844

I am directed to acknowledge the receipt of your letter, No 14, dated 17th instant, with enclosures, and with reference to the tenor of your communication, I am desirous to request that you will submit the enclosed questions to the Durbars of Oodhpore, Jodhpore, Jeypore, Bickaneer, and Boondee, and send me their replies for the information of the Governor General

*Questions to be submitted to the Durbars **

1 If the Chief of a Rajpoot State be elected to the chiefship of another State, and accepts the chiefship of such State, does he thereby forfeit all his rights of sovereignty in the State first possessed by him?

2 If the Chief of a Rajpoot State elected to the guddee of another State forfeits all his rights of sovereignty in the State he first possessed, does the forfeiture extend to his sons? Are they compelled to adhere to the father's election and to give up the State they would otherwise have succeeded to?

3 If the sons be compelled to follow the father's election and to give up their otherwise valid rights to the succession to the State first possessed, are they capable of being adopted or elected as the Chiefs of that State? Or does the same circumstance which excludes them from succeeding to the guddee of that State by inheritance exclude them from holding it by election?

4 If the elected Chief loses his rights, and all his sons lose by the election of the father all their rights, to the guddee, in whom does the right of adopting or electing a Chief of that State rest? Or do the nearest collateral relations of the elected Chief acquire rights to the guddee by the removal of the elected Chief and his direct heirs?

5 If the eldest son of an elected Chief, being heir apparent to the new chiefship, be adopted or elected to the guddee of the State first possessed, and subsequently, on his father's decease, succeed to the newly-acquired State, in whom does the right of adopting or electing his successor to the guddee of the first State rest?

From MAJOR C THOMPSON Officiating Agent to the Governor General for the States of Rajpootana, to F CURRIE Esq Secretary to Government of India Foreign Department Fort William—No 127 636 dated Ajmere the 21st May 1844

WITH reference to the instructions conveyed in your despatch, No 176, dated the 27th January last, with enclosure, I have now

* Oodeypore Jodhpore Jeypore Bickaneer, and Boondee

the honour to submit, in original, the replies of the Durbars of Oodeypore, Jeypore, and Jodhpore, to the questions proposed regarding the forfeiture of rights of sovereignty and the succession to them, accompanied with English translations. These papers have been detained here some time in the expectation of the receipt of answers from Boondee and Bickaneer, which, however, though the application for them has been repeated, have not yet arrived, when they do come they shall be forwarded separately.

2 On a careful perusal of the replies now transmitted, it will probably appear that those received from Oodeypore and Jodhpore are of a character that renders them deserving of but little consideration, while, on the contrary, those from Jeypore are generally correct and appropriate.

3 The enclosed letter from the Officiating Political Agent at Jodhpore, No 176, dated the 6th ultimo, and its accompanying documents, bringing to notice that Maharajah Tukht Sing was never the Rajah of Ahmednuggur, but merely Regent of that State, the affairs of which he managed for his son, Juswunt Sing, who had been raised to the gудdee by adoption and by the suffrages of the Chiefs, have been retained here for the purpose of being forwarded to Government with the replies to the queries, and I beg to add, what will no doubt be in recollection, that, on the 4th March last, I had the honour to report the birth of a second son to Maharajah Tukht Sing born at Jodhpore.

Questions

Answers from the Oodeypore Durbar

1 If the Chief of a Rajpoot State be elected to the chiefship of another State, and accepts the chiefship of such State, does he thereby forfeit all his rights of sovereignty in the State first possessed by him?

1 The Chief thus elected forfeits his rights of sovereignty in the State first possessed by him.

*Questions**Answers from the Oodeys or Dirbans*

2 If the Chief of a Rajpoot State elected to the guddee of another State forfeits all his rights of sovereignty in the State he first possessed, does the forfeiture extend to his sons? are they compelled to adhere to the father's election and to give up the State they would otherwise have succeeded to?

2 The forfeiture extends to his sons, and they must give up the State they would otherwise have succeeded to

3 If the sons be compelled to follow the father's election and to give up their otherwise valid rights to the succession to the State first possessed, are they capable of being adopted or elected as the Chiefs of that State? Or does the same circumstance which excludes them from succeeding to the guddee of that State by inheritance exclude them from holding it by election?

3 The younger son of the elected Chief if adopted can succeed to the guddee of the State first possessed

4 If the elected Chief loses his rights, and all his sons lose by the election of the father all their rights, to the guddee, in whom does the right of adopting or electing a Chief of that State rest? Or do the nearest collateral relations of the elected Chief acquire rights to the guddee by the removal of the elected Chief and his direct heirs?

4 The right of adopting rests with the Chief of the State, and in the event of his death, with the Ranees and State Officers. If the younger son is not considered eligible for adoption, the nearest collateral relations of the elected Chief acquire rights to the guddee

5 If the eldest son of an elected Chief, being heir apparent to the new chiefship, be adopted or elected

5 The elected Chief or his son have no right to the guddee of the State first possessed, but

Questions

to the guddee of the State first possessed, and subsequently, on his father's decease, succeed to the newly acquired State, in whom does the right of adopting or electing his successor to the guddee of the first State rest?

Answers from the Oodeypore Durbar

should they happen to get possession of it, they have in that case no right to the newly-acquired State, either during the life-time of the father of the elected Chief, or after his decease. The right of adopting or electing a successor to the guddee rests with the authorities of the State

Substance translation of replies to questions submitted to the Jeypore Durbar

Questions

1 If the Chief of a Rajpoot State be elected to the chiefship of another State, and accepts of the chiefship of such State, does he thereby forfeit all his rights of sovereignty in the State first possessed by him?

2 If the Chief of a Rajpoot State elected to the guddee of another State forfeits all his rights of sovereignty in the State he first possessed, does the forfeiture extend to his sons? Are they compelled to adhere to the father's election and to give up the State they would otherwise have succeeded to?

Replies

1 The title of the elected Chief becomes extinct as regards the former chiefship, and it is vested in his sons or other blood-relatives (Bhree)

2 The title of the sons holds good as regards the former chiefship. Should a son be born after the election of a Chief the said son would become the inheritor of the new principality, but should no son be born after the election to the new chiefship the eldest of the former children would be entitled to succeed to the new principality

Should there be but one son an own brother of the elected Chief would become the inheritor of the former possession if the

Questions

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3 If the sons be compelled to follow the father's election and to give up their otherwise valid rights to the succession to the State first possessed, are they capable of being adopted or elected as the Chiefs of that State? Or does the same circumstance which excludes them from succeeding to the gудdee of that State by inheritance exclude them from holding it by election?

4 If the elected Chief loses his rights, and all his sons lose by the election of the father all their rights to the gудdee, in whom does the right of adopting or electing a Chief of that State rest? Or do the nearest collateral relations of the elected Chief acquire rights to the gудdee by the removal of the elected Chief and his direct heirs?

5 If an eldest son of an elected Chief, being heir apparent to the new chiefship, be adopted or elected to the gудdee of the State first possessed, and subsequently, on his father's decease, succeed to the newly-required State, in whom does the right of adopting or electing his successor to the gудdee of the first State rest?

Replies

elected Chief have no brother, then the next of kin would possess the former principality

3 Should there be a son (born prior to the election of the parent), his title to the State first held by his father holds good. Should the Chief after election have no male issue, his eldest son may succeed (to the new chiefship) if elected thereto by the suffrages of the Sirdars

4. Should there be sons, their titles hold good, but in default of male issue, own brothers succeed, and after them the nearest collateral relations, who may be elected by the Sirdars

5 In the event of there being a younger son, he would succeed to the first State, after him the Chief's own brother's title would hold good subsequently to whom the nearest collateral relations would inherit

Substance of replies by the Marwar Durbar to the five questions submitted through MR. CURRIE'S letter, No 176 of the 27th of February

Answer to Question 1st—The Sovereign retains all his rights over his original patrimony (on election to another)

Answer to Question 2nd—Yes, the Sovereign elected to rule over a State, retaining his sovereignty in that he originally ruled, the sons of that Sovereign also retain their rights in that State

Answer to Question 3rd—The Sovereign is Ruler of both States, and may make any of his sons Ruler of that he originally was Sovereign of, both he is master of

Answer to Question 4th—The Sovereign names his successor, but should the guddee be vacant, and no successor named by deceased Ruler, then the Majee, Sirdars, and Ulkhars of the State settle the succession

Answer to Question 5th—The man apparent of the Ruler elected to another State, or becoming Sovereign of that other State, retains the rights over the original State, such as his predecessor exercised, he may keep it in his own possession or bestow it on another

From CAPTAIN P. T. FRENCH Officiating Political Agent Jolhpore to MAJOR C. THORESBY Officiating Agent to the Governor General for the States of Rajpootana, No 176 dated the 3rd April 1844

HAVING been led by the records in this Office to suppose that His Highness Takt Sing was Sovereign of Ahmednuggur previous to his adoption by the widows of the late Prince of Marwar, and finding, in conversation with the Maharajah and others, that His Highness was only Regent during the infancy of his son, Juswant Sing Rajah of Ahmednuggur, I requested the Vallee to obtain from His Highness all the particulars he could on the subject and the enclosed byescut is the result. A translation of the byescut is also enclosed

2 The Maharajah assured me that the fact of his son's adoption, in November 1840, by the widows of his late brother (Prithee Sing) was well known to all but he supposed the circumstance escaped

recollection from his being the actual Ruler of the principality. Such a view of the case was taken by a former Political Agent of the Mahee Kanta, who, in a private letter, accidentally alluded to the good fortune of Tukt Sing in being raised from the office of Regent in a small State to the gудdee of a great one. But the impression having gone forth that His Highness Tukt Sing was Sovereign of Ahmednuggur, I deem it my duty to lay before you his version of the matter.

Substance of a *kyfeent* from the Marwar Vakeel to the address of CAPTAIN FRENCH, Officiating Political Agent, Jodhpore—dated the 3rd April 1814

THE Political Agent asked when Mahary Juswunt Sing was adopted by Prithi Sing, Rajah of Ahmednuggur. This being made known to His Highness Tukt Sing, it seems that Prithi Sing, in the month of Kartik 1806 (December 1809), was ill, when the Chiefs of the State asked His Highness that, should he not recover, who would be his heir? He replied that the Seesodinee Ranee was *enciente*, and that, should she be the mother of a boy, he would succeed, otherwise that Koonwur Juswunt Sing was heir to Ahmednuggur. His Highness Prithi Sing died, Megsur Sood Lkhum Sumbut 1806 (6th January 1810), and the Ranee was delivered of a son, who was named Bulwunt Sing, but the boy died, Asojbud Chout Sumbut 1807 (October 1810). There were then three *Majeets*: 1st, a Seesodinee, 2nd, a Rewurjee, 3rd, a Bheerpoorjee. They, aided by all the Chiefs of the State, in the month of Kartik Sumbut 1807 (November 1810), adopted Juswunt Sing, but he being very young, the Maharyah Tukt Sing conducted the duties as Regent. Now His Highness Maharyah Tukt Sing is Ruler of Marwar, and his son, Juswunt Sing Jee, is Sovereign by adoption of Ahmednuggur.

From MAJOR C THOBESBY, Officiating Agent to the Governor General for the States of Rajpootana, to F. CURRIE Esq. Secretary to the Government of India, Foreign Department Fort William,—No 781 143, dated Ajmere the 17th June 1844

REFERRING to my letter to your address, No 127, dated the 21st ultimo, I have now the honour to transmit the answers of the Boondiee

Durbar to the questions proposed regarding incidents of elective succession to the sovereignty of principalities, with a copy of translation furnished by the Officiating Political Agent at Kotah

Translation of replies to certain queries respecting the rights of succession received from the Boondee Durbar

Questions

Replies

1 If a Chief of a Rajpoot State be elected to the chiefship of another State, and accepts the chiefship of such State, does he thereby forfeit all his rights of sovereignty in the State first possessed by him?

1 Should the new territory be a branch or scion of the former State, the right will hold good but in the event of its being entirely separate, then the claim will depend on the conditions upon which the election was made in the first instance

2 If the Chief of a Rajpoot State elected to the gudur of another State forfeits all his rights of sovereignty in the State he first possessed, does the forfeiture extend to his sons? Are they compelled to adhere to the father's election and to give up the State they would otherwise have succeeded to?

2 The son's right to the former territory will be in a similar degree to the father's, as expressed in the reply to the first question but should either son, on the father's resignation, be appointed to the rule, that son's claim to the former State will be valid

3 If the sons be compelled to follow the father's election and to give up their otherwise valid rights to the succession to the State first possessed, are they capable of being adopted or elected as the Chiefs of that State Or does the same circumstance which excludes them from

3 The party selected to govern the original territory on the former Chief's resignation is the rightful Ruler thereof, and should he die without legitimate issue the next collateral surviving relative of the former Chief will become the legal heir

Questions

Replies

succeeding to the guddee of that State by inheritance exclude them from holding it by election?

1 If the elected Chief loses his rights, and all his sons lose by the election of the father all their rights, to the guddee, in whom does the right of adopting or electing a Chief of that State rest? Or do the nearest collateral relations of the elected Chief acquire rights to the guddee by the removal of the elected Chief and his direct heirs?

5 If the eldest son of an elected Chief, being heir apparent to the new chiefship, be adopted or elected to the guddee of the State first possessed, and subsequently, on his father's decease, succeed to the newly-acquired State, in whom does the right of adopting or electing his successor to the guddee of the first State rest?

4 Should many years have elapsed since the cession of Government, and should the descendants of the party originally selected as Ruler become numerous, and for several generations no direct heir have succeeded to the rule, the title will lapse to the collateral branch

5 The title would revert to the collateral branch of the original Chief

From F CURRIE Esq Secretary to Government of India, Foreign Department to the Officiating Agent to the Governor General for the States of Rajpootana,—No 149 dated Fort William, the 6th July 1844.

I AM directed by the Governor General in Council to acknowledge the receipt of your despatches, Nos 127 and 143, dated respectively the 21st May and 17th ultimo, submitting the answers of the Darbars of Oodeypore, Jerpore, Jodhpore, and Boondee, to the questions proposed regarding incidents of election and succession to the sovereignty of

principalities, and to remind you that the reply from the Bikaner Durbar is still wanting, which we may as well have, as these replies may be useful hereafter, though no case for their application appears to have arisen on the present occasion.

From the Chief Secretary to the Government of Bombay, to F. CURRIE, Esq.,
Secretary to the Government of India, Political Department, Fort William —
No 67364, dated the 21st January 1845

WITH reference to Mr. Secretary Townsend's letter, No 117, dated the 8th August last, I am directed to transmit to you, for submission to the Right Hon'ble the Governor General of India in Council, copies of two letters from the Assistant to the Political Commissioner for Guzerat, in Charge, Nos 290 and 339, dated the 8th October and 12th November last, forwarding copies of two communications from Captain Lang, the Political Agent in the Mahce Kanta, dated the 28th September and 8th October last, representing the unsatisfactory state of affairs at Ahmednuggur, arising from the union of that State with Jodhpore

2 In forwarding these documents, I am desired to state that, in the event of the subsequent memorial from the Ranee of Edur to the Hon'ble the Court of Directors on behalf of her son (a copy of which was forwarded to you for submission to His Excellency in Council with Mr. Secretary Townsend's letter above quoted, and to which, I am directed to remark, no reply has as yet been received,) being negatived, the Hon'ble the Governor in Council is decidedly of opinion that the course proposed by Captain Lang at the close of the 1st paragraph of his letter of the 26th September last should be adopted, namely, that Ahmednuggur should be managed, as heretofore, altogether irrespective of Jodhpore, and be regarded as a separate petty State, solely subject to the Mahce Kanta Agency

3 The Governor in Council, however, begs specially to bring to the notice of the Right Hon'ble the Governor General in Council the deception which, it is alleged in the 3rd paragraph of Captain Lang's

letter of that date, the Maharajah of Jodhpore practised on his leaving Guzerat in respect to the adoption of his son by the widow of Prithee Sing, the former Rajah of Ahmednuggur, with the view of securing Ahmednuggur to the exclusion of the Edur or elder branch of the family

4 I am further desired to state that a deputation from Edur has recently arrived in Bombay to urge the claims of the young Rajah to the Ahmednuggur State, but that, under the decision of the Government of India, contained in your letter, dated the 4th November 1843, No 1044, their pretensions have, of course, been discouraged in every way, and the deputation urged to return, but as yet without avail. They still remain at the Presidency, continuing to urge, in a very decided tone, their claim to be put in possession of what they consider to be their master's hereditary rights, and Government is led to apprehend that they will not passively submit to the present arrangement

5 As the opinion of this Government in favour of the claim of the Rajah of Edur has already been submitted to the Government of India in my letter, No 184, dated the 30th October 1843, the Governor in Council does not consider it necessary again to express his sentiments on the subject

6 A translation of the petition from Maharaj Shree Jaswantsingjee, alluded to by Captain Lang in the 3rd paragraph of his letter of the 28th September last, is also enclosed for the information of His Excellency in Council

From the Acting 1st Assistant Political Commissioner for Guzerat and Resident at Baroda, in Charge to J P WILLOUGHBY, Esq Chief Secretary to the Government of Bombay,—No 290 dated the 8th October 1844

I HAVE the honour to submit, for the information and instructions of Government, copy of a communication and accompaniments from Captain Lang, Political Agent in the Mahee Kanta, under date the 28th ultimo, No 574, complaining of the great inattention of the Ahmednuggur Authorities to his injunctions

From the Political Agent, Mahee Kanta, to THOMAS OGILBY, Esq, Assistant Political Commissioner and Resident in Charge Baroda—No 574 dated the 28th September 1844

I REGRET to have to report, for the instructions of the Hon'ble the Governor in Council, the great inattention of the Ahmednuggur Authorities to my injunctions and requisitions, and the consequent impossibility of getting anything done with them without resorting to mohsuls for the enforcement of such of my instructions as remain unattended to. I have been anxious to avoid the imposition of mohsuls on this State on account of the minority of the young Chief, but the repeated promises which I have received within the last few months to send an Agent to Sadra for the

settlement of all outstanding claims have been so entirely disregarded, that something must be done to enforce my orders, and I am unwilling again to resort to mohsuls without the instructions of Government on the subject, as in all probability a remonstrance would be made by His Highness the Maharaj of Jodhpore against their employment, and the worst effects would, of course, result if I should be required to withdraw them without carrying out the objects for which they were sent. I beg, therefore, to suggest, for the consideration of the Hon'ble Board, whether it would not be better, in the first instance, to make a reference on the subject to the Supreme Government, in order that, if approved of the Political Agent at Jodhpore may be authorized beforehand to communicate to His Highness, in the event of his referring any complaints regarding Ahmednuggur affairs, that he could not entertain or forward them, but that the authorities there should make them, as formerly, to me or to the Bombay Government, and must in all other respects conform to the system of policy in which the other petty States in this province are managed.

2 The unsatisfactory state of affairs at present existing with regard to the Ahmednuggur Talooka is, doubtless to be ascribed in some

measure to the unfitness of the *Karbaree* now in power there for the trust reposed in him, and his anxiety to make the best use of the uncontrolled authority he possesses to enrich himself as much as possible while it lasts. He is the same individual mentioned in the concluding paragraph of my Report of the 22nd October last as having behaved in so disrespectful a manner to the *Karkoon* I sent to take charge of the talooka on the election of Maharaj Tukht Sing to the *guddee* of Marwar, and his success on that occasion, through the representations made by the Maharaj, in getting rid of the attachment, has, of course, made him still less inclined to submit to authority than he was before. Another reason, however, of the difficulty of getting anything settled, is the necessity of referring every question of any consequence of Jodhpore for the instructions of Maharaj there, who has, I imagine, quite enough to do to attend to the affairs of that State, and cares but little how the Ahmednuggur Talooka is managed, provided he can only keep it in his family. It must also, I feel assured, be a great object with His Highness to maintain the connection between Jodhpore and Ahmednuggur as intimate as possible, and to manage the latter, as it were, as one of the dependent districts of Marwar as the only likely means of being able to bequeath his new kingdom and title after his death to his eldest son, the present Ahmednuggur youth, whom it is but natural to suppose he would wish, if possible, to see as his heir to Marwar in preference to a younger son. This would not, I imagine, be permitted, but if the arrangement now existing at Ahmednuggur is eventually confirmed, notwithstanding the earnest protest against it from the Ranees of Edur, which has lately been forwarded by Government to the Right Hon'ble the Governor General in Council and the Hon'ble the Court of Directors, it would be most desirable, in my humble judgment, at once to communicate to all parties concerned the determination of Government to keep the Jodhpore and Ahmednuggur States as entirely separate as they have heretofore been, otherwise we may, I humbly conceive, expect constant inconvenience and great mismanagement to arise from the union so long as the Ahmed

nuggur Chief continues a minor, and interminable intrigues when he grows up to endeavour to secure his succession eventually to the principal States

3 I take this opportunity to return the representation which was

Returning the young Ahmednuggur Chief's petition to Government against my having sent attachment on that talooka when Maharaj Tuktsingjee was elected to Jodhpore, and pointing out that one of its accompaniments that regarding his adoption by his aunt, has been antedated two years in order to deceive Government, Tukt Sing now stating that he never was Rajah of the Ahmednuggur Talooka

required, I fancy, to the several allegations it contains regarding my proceedings in attaching the talooka with a view to secure to the young Ldur Chief what I conscientiously and firmly believed to be

30th September 1847

5th October "

7th ditto

20th ditto

20th ditto

28th ditto

1st November ,

3rd ditto

6th ditto

8th ditto

8th ditto

20th ditto

18th December

made to Government by the young Rajah of Ahmednuggur regarding my having sent an attachment on that talooka on his father's departure for Jodhpore, and which was forwarded for my report at the time, and has since been returned to me with its several accompaniments, as requested. As you will find, on referring to Mr Chief Secretary Willoughby's letter on the subject of the 16th May last, no reply from me can be

required, I fancy, to the several allegations it contains regarding my proceedings in attaching the talooka with a view to secure to the young Ldur Chief what I conscientiously and firmly believed to be his just and undeniable rights, as the whole of my proceedings regarding every part of the Jodhpore and Ahmednuggur succession questions were fully reported in my letters written at the time as quoted in the margin. I beg, however, to state that of the accompaniments to the Maharajah's representation, that purporting to be his adoption by the widows of Prithce Sing, the former Rajah of Ahmednuggur, is antedated two years, in

order to make it appear that he was adopted when this lady lost her own infant child in September 1841, as reported in my letter of the 4th October of that year, and that he, and not Maharaj Tukt Sing, had, consequently, been Rajah of Ahmednuggur from that period. I find from a memorandum given by the Maharaj of Jodhpore to the Political Agent there some months ago that it is upon this ground His Highness now claims Ahmednuggur as the inheritance of his son, but there is no question that Tukt Sing himself succeeded his infant nephew in

Khawas, Paswans, assembled and enquired of the Maharaj that, in the event of his not recovering, who was to be their master? He replied that Ranee Shie Sesodunjee had hopes should she produce a son, he was their Lord, but if these hopes were not realized, then Maharaj Juswunt Sing was to be their Lord. After this Maharaj Prithee Sing died on 29th January 1840, Suvunt 1896, Magsur Sood 1st. The above-mentioned Ranee Se odunjee produced a boy, who was named Bulvunt Singjee, he died in October 1840, Suvunt 1897, Asvud 4th. Maharaj Prithee Singjee had three wives (Rances), Sesodunjee, Relhwuranjee, and Purpooree. The above Ranees, including the Sirdars, Mootsudda, Khawas, Paswans, &c, all assembled, and in the month of November 1840, Suvunt 1897, Kartik, Maharaj Shree Juswunt Singjee was adopted. He was at the time very young in consequence Maharaj Tukt Singjee was consulted, and the affairs of the State conducted. Maharaj Tukt Singjee has since succeeded to the Throne of Jodhpore and become Lord of Marwar, Maharaj Shree Juswunt Singjee remaining Lord of Ahmednuggur. The above is written for your information.

From the Acting 1st Assistant Political Commissioner for Guzerat and Resident at Baroda, in Charge to J P WILLOUGHBY Esq Chief Secretary to Government Bombay Political Department,—No 339 dated the 12th November 1844

In continuation of my letter of the 8th ultimo, No 290, I have the honour to submit, for the information of Government, copy of a further communication from Captain Lang, dated the 31st idem, No 639

From the Political Agent in the Mahee Kanta to T OGILBY Esq Assistant Political Commissioner and Resident at Baroda, in Charge —No 639 dated Sadra, the 31st October 1844

With reference to my letter of the 28th ultimo regarding Ahmednuggur affairs, I have the honour to annex copy of a letter from the Officiating Political Agent at Jodhpore, from which it will be seen that the intrigues which were so likely to occur to get Maharaj Juswunt Sing recognized as heir to his father in Marwar in preference to any younger

you have already commenced in the Jodhpore Palace. Copy of my reply to Captain French's letter is likewise annexed, and there can scarcely, I conceive, be a doubt that His Highness Tukt Sing will eventually, if not now, endeavour to remove his eldest son and natural and rightful heir to Jodhpore, and substitute some other Ruler in his room at Ahmednuggur, or leave that State in charge of a Karbaree if possible, I trust the Hon'ble Board will consider this a proper opportunity to make a further representation on the subject to the Right Hon'ble the Governor General of India in Council. The almost certain result of the present state of things must, I humbly submit, be a continued mismanagement of the Ahmednuggur Talooka, which cannot but have a bad effect on the other districts under my charge, and as the Edur Durbar continues so strongly to urge its claims to have Ahmednuggur restored to it, and the present young Maharaj of Ahmednuggur would also have the greatest reason to complain if one of Tukt Sing's younger sons were selected as heir to Marwar to his prejudice, the continued tranquility and prosperity both of Marwar and the Mahee Kanta would surely be best consulted, and the greatest justice at the same time be done to all parties by at once sending Maharaj Jeevunt Sing to join his father as heir apparent to the throne of Jodhpore, and re-annexing Ahmednuggur to the parent State of Edur, after making the necessary provision for the late Ahmednuggur Rajah's mother, aunt, and widows, during their life-time

FROM CAPTAIN P. T. FRENCH, Officiating Political Agent, Jodhpore, to CAPTAIN LANG, Political Agent, Mahee Kanta,—No 596 dated the 28th October 1844

ON the 12th December 1843 Captain Ludlow, Political Agent at this place, addressed a letter to you, No 457, in which, with other documents, he enclosed copy of a *Mureeta* to his address from the Maharajah Tukt Sing, in which His Highness says, in reference to his coming here from Ahmednuggur, "But prior to this event the widow of Prithce Sing adopted my son, Jeevunt Sing, and retained him at Ahmednuggur," and now have the honour to request you will be good enough to say if Jeevunt Sing has been duly and formally installed Ruler of the Ahmednuggur State, and if, as such, he bears the style and title of Maharajah

2 On the 26th of January last the Battyajee Rance presented His Highness with a son, and this boy is, of course, heir to the throne of Marwar, Juswant Sing having been adopted by that of Ahmednuggur but this boy has not been named, which excited suspicion, as did other circumstances alluded to yesterday by Gumbur Sing, brother in law to His Highness, he having in reply said, "he was not aware of Juswant Sing's adoption, or of his being Ruler of Ahmednuggur" Gumbur Sing is brother to the mother of Juswant Sing, and also to the widow of Prithi Sing, who adopted him

3 The mother of Juswant Sing is here, she and her brother, Gumbur Sing, are said to have much influence over His Highness, and it is asserted they are not cognizant of the *Mureeta* of which Captain (now Major) Ludlow enclosed you a copy It is, in fact, believed that they entertain hopes of Juswant Sing succeeding to the throne of Marwar, to the prejudice of the lad born here on the 20th of January last, and that on one plea or another they propose sending for him soon, a step you would, I conclude, oppose succeeding under the above circumstances

From the Political Agent Mahee Kanta, to CAPTAIN FRENCH Officiating
Political Agent Jodhpore—No 638 dated the 31st October 1844

In acknowledging the receipt of your letter of the 24th instant regarding the succession to the Ahmednuggur State on His Highness Tukht Sing's adoption and election to the throne of Marwar, and the wish of Maharaj Juswant Sing's mother and uncle to get him recognized as heir to his father in his new kingdom in preference to a younger son born since His Highness went to Jodhpore, I have the honour to inform you that, on Tukht Sing's departure from Ahmednuggur in October last year, I sent a Karloon and some Sowars to escort him as far as Pahlunpore, and another to take charge of the Ahmednuggur Talooka, considering that there could be no doubt but the right of Edur to have it re annexed to that State would be recognized by Government Maharaj Juswant Sing wrote to me in consequence that his father on leaving had made him *Malu* of Ahmednuggur, and I received a letter to the same effect from His Highness Tukht Sing from Pahlunpore Neither of them, however, at that time alluded to Juswant Sing's adoption by the

widow of Prithce Sing, I was informed, however, by my Karkoon that, a day or two before leaving Ahmednuggur, the form of giving Juswunt Sing to this lady by adoption had been gone through, and in December I received from Government, for my report, copy of a representation from the young Maharaj complaining of my having placed an attachment on the talooka, in which he stated that he had been adopted by his aunt, and sent copy of the Deed of Adoption for the information of Government, with a number of other documents in support of his claim to retain Ahmednuggur. Copies of these were not furnished to me till afterwards, but in April last you sent me a copy of a memorandum in *Hindoostanee* from His Highness Tukt Sing's *Fakel*, stating that Juswunt Sing had been adopted on the death of Prithce Sing's own posthumous child, and I found, on receiving a copy of the Deed of Adoption from Government, that it had been antedated two years in order to make it appear that from that period Juswunt Sing and not Tukt Sing had been Rajah of Ahmednuggur. This circumstance was pointed out in a letter of the 20th ultimo to the Assistant Political Commissioner's address regarding the affairs of Ahmednuggur, an extract from which I lately sent you privately, and now beg to forward a copy of the Deed of Adoption here alluded to, in which Gumbur Sing's name appears as one of the witnesses.

2 In December copy of Mr Secretary Currie's letter to the Bombay Government dated 13th November 1843 was received, and as directed therein, the attachment I had imposed on Ahmednuggur was withdrawn, and the talooka has since been managed by the Karbarce left in charge by Tukt Sing, but with Maharaj Juswunt Sing as its nominal Chief. No formal installation, however, has taken place, nor is such usual or necessary in this part of the country to confirm a title to succession, but the Ranee of Edur has since appealed to Government on behalf of her son, the minor Chief of that State, against Juswunt Sing's being allowed to retain Ahmednuggur after his father's election to Jodhpore, and copies of her representation have been sent to the Right Hon'ble the Governor General of India and the Hon'ble the Court of Directors. With regard to Juswunt Sing's adoption by his aunt to succeed to Ahmednuggur, there can scarcely, I conceive, be any difference of opinion as to its illegality, inasmuch as the property had been

rightfully inherited by Tukt Sing two years before, but even, otherwise, if any sanction or confirmation of such a measure is required on the part of our Government, it must be considered altogether invalid, as none was either applied for or granted, and as it appears to me to have been done in order to defraud the young Edur Chief out of what the Ahmednuggur Authorities would seem, from antedating the paper themselves, to think must otherwise revert to him as a matter of right, I should think that, even if the adoption could be held in any way valid, Government would be disposed on this ground to disallow it. All the members of the Edur, Ahmednuggur, and Soor families have always, I beg to add, been allowed the title of Maharaj in this province.

3 As regards the wish of Juswunt Sing's mother and uncle to see him recognized as heir to his father in Marwar, it seems to me most natural, and must, I think, likewise be the secret desire of His Highness himself, or will eventually in all human probability become so. I alluded in some of my former letters on this subject to the future claim of Juswunt Sing, if he survives his father, to succeed to the *guddee* of Marwar as one of the many serious objections to the present arrangement, and as Captain Ludlow in his letter of the 15th October 1843, informing me of Maharajah Tukt Sing's election to Jodhpore, likewise stated that his son, Juswunt Sing, had been incited by the Ranees of the late Manu Sing to accompany him "as the heir apparent of Marwar," we could not, in my humble judgment, do better than encourage the present feeling, and endeavour to prevent future intrigues on this point in Marwar, and at the same time to remedy the injustice complained of by the Edur Authorities by at once allowing Juswunt Sing to join his father at Jodhpore and re-annexing Ahmednuggur to its parent state of Edur, a suitable provision being, of course, made for all the ladies and other dependants of the Ahmednuggur family during their life time. I have not, however, I beg to add, heard of any intention to send Juswunt Sing to Jodhpore, and do not think that the Ahmednuggur Authorities would willingly part with him till they get some arrangement, either promised or effected, for their own maintenance for the future. Should any intention of the kind transpire, however, I shall, of course, endeavour, to the utmost of my power, to prevent their sending Juswunt Sing away till I hear from you that he would be welcome at Jodhpore, or till Government decides that he

should be allowed to join his father there, but I am sorry to have to add that so little attention has been paid to my wishes and injunctions by the Karbaree in charge of Ahmednuggur since Maharaj Tukht Sing's departure to Jodhpore, that it is perfectly possible they may send him off without consulting me on the subject. If I hear of anything of the kind, however, you shall have the earliest intimation I can give you about it.

Sub stance of a petition from MAHARAJ SHREE JESWANT SINGJEE of Sunsthan Munuggur, to the Honble the Governor in Council,—dated 16th and received 24th November 1843

My family for four generations has held Sunsthan of Munuggur and the Pergunnahs of Mourassa, Byer, Megharj, &c. When Maharajah Gumbur Singjee, Chief of Edur, who was related to my family, laid claim to the Pergunnahs of Mourassa and Byer, agreements regarding it were entered into in 1807-8 between him and my ancestor. According to those agreements the Chief of Edur has no claim to the villages of my pergunnahs. Notwithstanding this, in 1815-16 that Chief made some misrepresentations to the Garkwar Government, and caused the Pergunnahs of Mourassa and Byer to be attached, on this my ancestor deputed a rizeel to complain to the Resident at Biroda. The Resident enquired into the matter, and upon his representations Government issued orders to make over the pergunnahs to my ancestor. Accordingly, the Resident wrote a letter to my ancestor, and having removed the attachment from the pergunnahs made them over to him. My family has since held possession of the pergunnahs. When my ancestor, Maharajah Shree Tukht Singjee, proceeded to Jodhpore to assume the Government of that territory, Captain Lang, perhaps on a representation from the Chief of Edur setting forth his right of inheritance to my territory, sent a letter to me dated the 20th October last, under the charge of one Karkoon and 25 horsemen, informing me that the Karkoon and horsemen were deputed to manage the pergunnahs, that I was only to act through the Karkoon—that a reference would be made to the British Government on the subject of the Munuggur Sunsthan, and that the reply of Government would be communicated to me.

I now beg to submit that it appears that Captain Lang has shown partiality to the Chief of Edur. The territory has descended to me from my ancestors, and the Chief of Edur has no grounds to interrupt my enjoyment of it. I beg to forward herewith copies of the following documents, *viz*, the Agreements entered into between my ancestor and the Chief of Edur, the paper executed by my ancestor, Maharajah Shree Sheo Singjee, regarding Munuggur in 1830, the letter written by the Gaekwar Government, the letter written by the Resident of Baroda on the receipt of Government instructions, the paper executed by Maharaj Shree Purtab Singjee in 1818-19, when he adopted my uncle, Maharajah Shree Prutherajee, as his heir, the paper regarding my adoption by the Ranee of Prutherajee, and the letter written by Maharajah Shree Tukt Singjee to Captain Lang before proceeding to Jodhpore, making over his territory to me. I possess these substantial documents in support of my right to the territory, and although Captain Lang is well aware of their existence, still, in order to favour the Chief of Edur, he has brought forward his right of inheritance, and has attached my territory to interrupt my enjoyment of it. This is a hardship upon me. Government is well aware that the Chief of Edur has no claim to my territory. Captain Lang has without any enquiry written to the Political Agent at Jodhpore to communicate (with Maharajah Shree Tukt Singjee) on the subject of the right of inheritance of the Chief of Edur. Captain Lang also intends to interrupt my enjoyment of Munuggur. I therefore pray your Excellency in Council will be pleased to direct Captain Lang to remove the attachment from the pergunnahs. I further beg to inform your Honor in Council that Karkoon Madowlall and Mujmoondar Soobbaram, manager of Edur, having received a bribe of Rupees 2,800, intended to interrupt my enjoyment of the Byer Pergunnah. But when Captain Lang learned this circumstance and enquired into the matter, he found that the two persons had received a bribe, and dismissed them from the service. These persons are anxious that a dispute should be created regarding my pergunnah of Byer; mohsuls have also been sent to me on the subject. These persons, with the view of obtaining money from me, bring me into trouble. I have no spare money to bribe the people. It is a disgrace to my family that Captain Lang should have furnished an escort of 100 horse-

men to my ancestor, Maharajah Tukt Singjee, when he proceeded to Jodhpore, and that he, Captain Lang, should, after his departure, place the territory under attachment. I conduct the management of the territory according to the usage of the State, and I answer the references which are made to me by Captain Lang in the proper manner. I have not given him cause to be displeased with me, and it is surprising that he should have attached my territory. Although no one has any claim to my territory, Captain Lang, considering the Chief of Edur

* The eldest son of a Thakoor, or the heir apparent to be a "Patvee,"* has raised objections to my enjoyment of the territory. But I beg to state that the Chief of Edur is "Patvee" in the Edur Territory, and the Chief of Munuggur "Patvee" in the Munuggur Territory. I therefore solicit your Excellency in Council will be pleased to order the removal of the attachment. I possess more documents than those herein enclosed, and should Government order, I will send them in charge of a Karloon.

From F CURRIE, Esq., Secretary to the Government of India, Foreign Department, to the Chief Secretary to Government of Bombay, —No 602 dated Fort William the 7th March 1845

I AM directed to acknowledge the receipt of your despatch, No 67, dated the 21st January last, with its enclosures, representing the unsatisfactory state of affairs at Ahmednuggur arising from the union of that State with Jodhpore, together with translation of a petition from the young Chief of Ahmednuggur.

2. In reply, I am directed to remark that the Supreme Government did not intend the order of the 13th November 1843 to be final as to the decision of the Edur claim, as is evident from the correspondence with the Governor General's Agent, Rajpootana, in 1843 and 1844, and particularly the letter dated 27th January 1844, No 176, requiring the opinion of the several principal Rajpoot Durbars on the question.

3. The matter was, however, the Governor General in Council observes, dropped when it appeared that Maharajah Tukt Sing was not the Chief of Ahmednuggur, but only the *Regent*, on behalf of the infant Chief, his son, Juswant Sing.

4 These papers now submitted with your letter under reply would seem to put that question in a different light

5 It will be seen by the letter from Major Thoresby, dated 21st May, No 127, and its enclosures, that there seemed good reason for the Agents asserting that Tukt Sing was only Regent

6 As this question must be definitely determined and the real position of Tukt Sing in Ahmednuggur distinctly ascertained before a decision can be come to as to the future Chieftainship of Ahmednuggur, and as it can best be settled at Bombay, to which Presidency Edur and Ahmednuggur are subject, the Governor General in Council has directed

Foreign Consultation 14th
June 1843 Nos 108 110

Foreign Consultation 16th
September 1843 Nos 82 101

Foreign Consultation 23rd
September 1843 Nos 60 74

Foreign Consultation, 21st
October 1843 Nos 90 104

Foreign Consultation 27th
January 1844 Nos 99 39 61 64

Foreign Consultation 3rd
February 1844 Nos 156 164

Foreign Consultation 6th
July 1844, Nos 60 68

Foreign Consultation 17th
August 1844 Nos 39 40

me to forward to you copies of the correspondence of this Government on the subject with the Governor General's Agent in Rajpootana, and to request that His Honor in Council will institute an enquiry into the fact of whether Tukt Sing was *bona fide* the *de jure* Chief of the Ahmednuggur Principality, or if he was only the *de facto* Chief, occupying as Regent for his son, the heir by adoption, and that point being settled, to beg that His Honor in Council will, with reference to the opinions of the Durbars of Central India and the customs of the Rajpoot Principalities under

the Bombay Presidency, state his opinion upon a full consideration of all the circumstances of the case as to the right of the respective claimants to the Chiefship

7 The Bombay Government would appear to have given judgment in favour of the Edur House, without having all the circumstances of the case fully before them. The first decision on the matter should, in the opinion of the Governor General in Council, come from Bombay, as the Principality is subject to that Presidency, and the local Political Agent must, it is imagined, be able to state with accuracy and without delay the real nature of the succession to the Ahmednuggur Guddee, which took place when the late Chief died in 1840

From the Chief Secretary to Government of Bombay to F CURRIE Esq Secretary to the Government of India, Foreign Department Fort William — No 182902 dated the 21st February 1845

WITH reference to my letters, dated the 21st ultimo, Nos 67 and 68, I am directed by the Hon'ble the Governor in Council to transmit to you, for such consideration as the case may seem to the Right Hon'ble the Governor General of India in Council to merit, copy of a letter from Mr Ogilvy, Assistant Political Commissioner for Guzerat in Charge, dated the 9th instant, No 62, forwarding a communication, dated the 18th December 1843, from Captain Lang, Political Agent in the Mahee Kanta, submitting further information on the subject of the claim advanced by the Edur Durbar to the Ahmednuggur Talook a consequent on Maharajah Tukht Singh's succession to Jodhpore

2 I am at the same time instructed respectfully to observe that the facts adduced by Captain Lang in this and his former Reports in favour of the Edur Rajah's claim to Ahmednuggur are in the opinion of the Governor in Council, entitled to much consideration

3 A copy of my reply to Mr Ogilvy of this date, calling upon him to explain the long delay in the transmission of this Report to Government, is also enclosed for the information of His Excellency in Council

From the Acting 1st Assistant Political Commissioner for Guzerat and Resident at Baroda in Charge to J I WILLOUGHBY Esq Chief Secretary to Government Bombay — No 62 dated the 9th February 1845

I HAVE the honour to submit by request, for the information of the Hon'ble the Governor in Council, copy of a Report from the Political Agent in the Mahee Kanta, dated 18th December last, No 738, regarding the Edur and Ahmednuggur dispute

From CAPTAIN W LANG Political Agent Mahee Kanta, to W S BOLD Esq Political Commissioner and Resident, Baroda — No 738 dated the 18th December 1843

IN acknowledging the receipt of your letter of the 4th instant, No 976, and the copies of the instructions from the Bombay and

Supreme Governments, which accompanied it, regarding the claim advanced by the Edur Durbar to the Ahmednuggur Talooka consequent on Maharajah Tukht Sing's succession to Jodhpore, I have the honour to inform you that, agreeably to the orders of the Right Honble the Governor General in Council I have withdrawn the Mehta and Sowars sent by me to Ahmednuggur, with the exception of such number of the latter as the ruling authorities at that place may wish to retain for their own protection for the present. The whole of the Maharajah's own family, with the exception of his son, having lately proceeded to join him at Sonapore, the time, I trust, is now past when any attempt on the part of the Edur Durbar to interfere directly in their own behalf was to be apprehended, at least, as far as I can ascertain, all they ever contemplated was throwing such obstructions as were in their power in the way of the Maharajah's departure, with a view to induce him, through the intervention of influential parties on both sides, to enter into negotiations for the amicable cession to them of what he had heretofore enjoyed as a member of the Edur family on their agreeing to waive all further claim on the part of their young Chief to the Jodhpore succession. Even this idea, however, could scarcely, I imagine, have been seriously entertained, so completely are all the resources of the talooka at our disposal at present owing to its being under our direct management during the young Chief's minority, and whatever their intentions on this subject may have been, they were instantly abandoned and the whole of the Sudais assembled at Edur dispersed on their receiving instructions from me warning them against any direct attempt to assert their rights. Their conduct, indeed, throughout, under circumstances to them of the most trying nature, has been everything I could have wished, and as this makes me the more confident that they will continue to confine their endeavours to obtain what they consider their just rights to legitimate means, I have at once withdrawn the Mehta from Ahmednuggur with the less hesitation. Being, moreover, at this place, at no great distance either from Edur or Ahmednuggur, if any collision were likely to take place, I should doubtless receive information on the subject in sufficient time to enable me again to adopt such precautionary measures as are in my power to prevent it.

2 As I cannot but think, from the first part of the 3rd paragraph of Mr Secretary Currie's letter, that the Right Hon'ble the Governor General in Council would be desirous, with more full information on the subject, to reconsider the claim of the Edur Durbar to be placed in possession of the Ahmednuggur Talooka entirely apart from any demand on the part of our own Government to a cession of any portion of the revenues of either State, and as the question, whether viewed with regard to the Edur interest alone or to those of this province generally, is by far the most important that we have been called upon to decide since our connection with the Mahee Kanta commenced, I feel assured that I shall be excused for offering the following short account of the present Edur family and a few further observations in support of its claim to the repossession of the Ahmednuggur Talooka —

3 It is now upwards of one hundred and ten years since the ancestor of these Chiefs succeeded in establishing himself at Edur, having been obliged with another brother to fly from Jodhpore on account of the murderous designs of their elder brother, then the reigning Chief there, against them. In one of the many fights they had with the Bhomeyas, or former Rajpoot possessors of this Province, one of the brothers was killed, leaving no issue, the other reigned at Edur about twenty years, and consolidated during that period almost the whole of the present Edur and Ahmednuggur Talookas, he was succeeded by his son, Shoo Sing, who reigned over the united principality upwards of forty years and left five sons. The eldest, Bhowan Sing, the present Edur Chief's grandfather, succeeded him, the second, Sugram Sing, grandfather to Maharajah Tukht Sing, had received Ahmednuggur and the few villages then dependent upon it from his father, Shoo Sing, about ten years before his death, but the three other sons remained unprovided for. On the death of Bhowan Sing, which occurred within less than a month of that of Shoo Sing, Sugram Sing and his other brothers were suspected of entertaining some design against the life of Bhowan Sing's son, Gumtur Sing, then a boy of twelve years of age, and were either expelled from Edur by the Sardars and Puttawuts of the State, or fled, of their own accord, to Ahmednuggur, then belonging, as already stated, to Sugram Sing. The three younger brothers as was customary in those times, then resorted to the field to exact from the young nephew a

separate provision for themselves, and, with the assistance of Sugrim Sing, succeeded one of them in establishing himself at Mourassa and the other at Byer, the third, who was blind from his youth, afterwards returned to Edur, and received for his maintenance a few villages, which are still dependent on that State and enjoyed by his four sons. Neither the Mourassa nor Byer brothers, however, left male issue, and these two pergunnahs in consequence have almost constantly formed subjects of dispute between the Edur and Ahmednuggur families up to the present time,—Edur claiming them as head of the family, and Ahmednuggur partly in right of adoption of a member of that family by the Mourassa Chief's widow, and partly as having been wrested with its assistance by force of arms from Edur.

4 The adopted line in Mourassa having likewise, however, become

Decision lately passed by the Bombay Government regarding Mourassa and proposed settlement of the Byer dispute still in abeyance

extinct by the death of Maharajah Tukht Sing's elder brother in 1839, a claim was advanced by the Collector of Ahmedabad to the Marwarree share of that pergunnah

on the part of our Government to whom the other half belongs. The birth of a posthumous son to the deceased Chief put a stop to this for a time, but the infant having died when little more than a year old, the point was again discussed, and it was only decided a few months ago that

"the Mourassa Pergunnah should be considered as a part of the Ahmednuggur estate, as 'the question as regards the original right

Vide Mr Chief Secretary Reid's letter of the 1st June last No 1189

of Ahmednuggur to Mourassa is not free from argument, and in recognizing the right of Ahmednuggur to that pergunnah, the Governor in Council is of opinion that Tukht Sing should be required to make such arrangements as will secure the better and more peaceable management of Mourassa.' the decision of Government in regard to the succession must be withheld until a satisfactory arrangement is effected." A reference was, moreover, made to the Sudder Adawlut in Bombay to elucidate certain points connected with the Hindoo Law of Adoption before this decision was come to. If, therefore, the authority of the Hindoo Shaster was resorted to in that case and proved favourable to his claim, Maharajah Tukht Sing cannot since complain if, in justice to the Edur Durbar, his right now to retain Ahmednuggur is submitted to the same

test With regard to the Byer Pergunnah, its revenues are at present enjoyed by the daughter of the late Chief, but owing to the dispute between Edur and Ahmednuggur regarding the eventual succession to it, it was placed under sequestration from this Office in 1837, and still continues under our direct management An Agreement entered into between the former Chiefs of Edur and Ahmednuggur only 17 years ago through the then Political Agent, Colonel Balantine, has been proposed as the basis of a settlement of this dispute, as it includes all the points at that time in discussion between the families, but although this has been agreed to by the Edur Durbar, the full consent of Maharajah Tukt Sing had not been obtained to it up to his leaving for Jodhpore

5 I mention all these circumstances thus particularly to show the

These particulars given to show the intimate connection existing between these families up to the present time acknowledged subordination of Ahmednuggur to Edur family and great largish part to the latter of allowing the transfer of Ahmednuggur with which these States have had no connection upwards of a century

very intimate connection which has existed between the Edur and Ahmednuggur families up to the present time The latter has always been regarded, and has always allowed itself to be, a younger and subordinate branch of the Edur House, and during the life time of the late Chiefs, Gumbur Sing and Kurrung Sing, who only died eleven and nine years ago respectively, and who appear

generally to have kept on tolerable terms together, Kurrung Sing of Ahmednuggur used always to attend with his followers when required to accompany the Edur Chief in any of his more important military expeditions The two families, moreover, have no intermediate heirs between them, the only other branch, as already shown, being descended from a younger brother, and, besides being the head of the family, the younger Edur Chief must be regarded, as next to Maharajah Tukt Sing's own son his nearest of kin The very great largish part to the Edur House of allowing the Ahmednuggur Talooka to be transferred to Jodhpore, with which it has had no connection whatever for upwards of a century, will I feel assured from what I have stated, be sufficiently apparent to the Right Honorable the Governor General in Council, and it would not surely be requiring too much of Maharajah Tukt Sing on his succeeding to one of the principal States of Rajwara, to the exclusion of

the head branch of his own family, to relinquish the possessions he obtained, and could only, I humbly conceive, lawfully claim as a member of the Edur family

6 It not being specified in Mr Secretary Currie's despatch

Grounds on which Ahmednuggur is to be retained not stated by the Supreme Government, and general announcement only made for the present to the Edur and Ahmednuggur Durbars

whether it was considered by the Right Hon'ble the Governor General in Council that Maharajah Tukht Sing should be allowed to retain Ahmednuggur in his own right as a dependency of Jodhpore, or to make it over to his son as such, or as the adopted son of his late brother's widow, I have only for the present announced to the Edur and Ahmednuggur Durbars, in withdrawing the *Meltras* and *Sowars* sent by me to Ahmednuggur, that it is not as yet considered

Fully stating the three different grounds of claims which Maharaj Tukht Sing may advance to retain Ahmednuggur in his families and separately mentioning the objection to the validity of each of them

necessary to make any alteration in the management of that talooka, but I beg to refer to my letter of the 8th ultimo, No 670, for a full examination of the several grounds on which Maharajah Tukht Sing may rest his claim to retain possession of

Ahmednuggur, all of which I have endeavoured, according to my humble judgment, to refute, but which, if necessary, I trust, will be still more fully enquired into and submitted with this appeal to the Right Hon'ble the Governor General in Council

7 Although it is not, I believe, customary in the larger States

of Rypootana for our Government to interfere more than is absolutely necessary in matters of succession or other internal administration, I feel satisfied that the Right Hon'ble the Governor General in Council would not allow this rule, however decisive in the case of the Jodhpore succession, to interfere with the Edur claim to Ahmednuggur, if it can be clearly shown that a different line of policy has always been

Interference in cases of disputed succession and the like necessarily more minute in the petty States here and in Kattywar than in the larger States of Rajwara, and right of Edur to have its claim to Ahmednuggur investigated and settled agreeably to the custom here before providing in the Mahes Kanta, without reference to the policy adopted in settling the Jodhpore successors

pursued in disposing of similar questions which have from time to time arisen among the petty States in this Province and in Kattywar The

necessary information on this point can, of course, be much better supplied by Government, but I believe I am not wrong in stating that any case of disputed succession, whether arising in the largest or smallest State or talooka in either province, would be considered as requiring the immediate interference of Government, and be investigated and decided on its own merits. The very large number of petty and half independent States, and the great subdivision of many of these amongst different branches of the same family, appear to have forced a greater degree of interference upon our Government, both in this and in other respects, than might otherwise have been necessary. A great part of the criminal jurisdiction of Kattywar is in our hands from the establishment of the Political Agent's Court and the direct intervention required on the part of the Agent in settling disputes between the several hundreds of separate jurisdictions under his superintendence. In the Malhee Kantr, from the still greater subdivision of property, our interference is necessarily even more minute. Every serious case of crime and most offences of a more trivial description, unless concealed from the knowledge of the Agent, come under his cognizance in some form or other, and surely under such a state of things a case of disputed succession must, of all others, demand the consideration and decision of Government. The province is, moreover, tributary to His Highness the Gaekwar, and not to our Government, and this has lately led to the practice of *suttee* having been put down by proclamation consequent on His Highness having adopted the same enlightened measure in his own districts. Besides the Edur interests, therefore, those of His Highness the Gaekwar would appear to be in some degree involved in the transfer of the Ahmednuggur Talooka to Jodhpore.

4. Edur and Ahmednuggur being the only States of any consequence in this province, it is not, of course, to be expected that I would quote any precedents that would be considered conclusive in their case, but it may notwithstanding be proper to mention that the Rows of Pole, the descendants of the Rahtore family which reigned in Edur for several centuries before it was conquered by the present Marwarree family, have for the last two or three generations succeeded to the *suttee* from the small *Zilind* of Verabur in the Edur Talooka, and

that when the present Rao succeeded, which was only last year, he left Verabur and its dependent villages, as had always been customary, to his next brother, although he had four sons. The Rows of Pole are now likewise under Edur, the place having been taken by the late Mahary Gumbur Sing. The dependence is merely nominal, however, and although they have now dwindled down to the greatest insignificance, most of their villages consisting of small collections of Bheel huts, they still cling with Rajpoot pride to their ancient feelings and customs, and are looked up to by the *Bhomya* Rajpoots of the province with the greatest respect. Their poverty, moreover, would only form an additional excuse for retaining the Verabur *Thukrut*, which consists of several small villages as well as the Chiefship of Pole, if it were not entirely opposed to their notions of right to do so. In this case, too, Pole and Verabur villages are not far apart, and both places are subject to Edur, whereas several considerable States, or parts of States, intervene between Jodhpore and Ahmednuggur, and the one is tributary to the British Government and the other to His Highness the Gaelwar, although the entire right of management of his tributaries both in Kattywar and the Mahee Kanta has been ceded to us by His Highness.

9. Whatever may be the result of this appeal in behalf of the young Chief of Edur, I trust no apology is necessary for my having ventured to make it. Besides, the question still appearing to be an open one, provided sufficient grounds can be shown for reconsidering it, I cannot but feel that the rights and interests of the young Chief during his minority are specially entrusted to my charge, and that in neglecting them in any way I should equally fail in my duty to Government. The late Rajah of Edur died when his son, the present Chief, was little more than a year old, but not till he had specially recommended him to the protection of Mr. Erskine, who was then in charge of the province. The Edur Talooka was soon afterwards placed under attachment at the request of the young Chief's mother to be taken care of for him during his minority. Their not having exerted themselves in time regarding the Jodhpore succession was owing, I imagine, partly to most of the old adherents of the Durbar having withdrawn to their own villages owing to the estate being under our direct management, and partly, no doubt, to their expectation that our Government

would have interfered to a greater degree in regulating the succession. On this point, however, they have now, I am happy to state, ceased to complain, but I allude to it as an additional reason for extending to the Durbar the assistance of our Government in the restoration of the Ahmednuggur Talooka, provided they are considered under this further explanation to be justly entitled to it

From the Chief Secretary to Government of Bombay, to T OGLIVY, Esq., Assistant Political Commissioner for Guzerat and Resident at Baroda, in Charge,—No 951, dated the 21st February 1845

I AM directed by the Hon'ble the Governor in Council to acknowledge the receipt of your letter, dated the 9th ultimo, No 62, forwarding copy of a Report from Captain Lang, Political Agent in the Malice Kanta, containing further explanation on the subject of the claim advanced by the Edur Durbar to the Ahmednuggur Talooka.

2. In reply, I am desired to request that you will be pleased to explain why Captain Lang's Report, which is dated the 18th December 1843, was not forwarded to Government till the 9th February 1845, since the circumstance of the Rajah of Edur being a minor, and, consequently, under the guardianship of the British Government, give him an additional claim for an impartial consideration of his pretensions to Ahmednuggur

From MAJOR C THORNTON, Officiating Agent to the Governor General for the States of Rypootana, to F CURRIE, Esq., Secretary to the Government of India, Foreign Department,—No 121 996, dated Ajmere, the 6th September 1845

I HAVE the honour to submit the accompanying copy of a letter from the Political Agent at Jodhpore, No 91, dated the 14th ultimo, on the question of the right of succession to the throne of Marwar, as it rests between the two sons of Maharajah Tukht Sing.

2. The matter contained in this communication does not seem to me to call for consideration until it can be reviewed in connection with the second despatch relating to the disposal of the Ahmednuggur principality, which is promised by Mr. Greathed.

From H H GREATHED Esq., Political Agent Jodhpore to MAJOR C THORESBY,
 Officiating Agent to the Governor General for the States of Rajpootana,—
 No 91 dated the 14th August 1845

THE question of succession to the throne of Jodhpore and that of the disposal of the principality of Ahmednuggur, both involve the interests of Konwur Juswunt Sing, the eldest son of Maharajah Tukt Sing, and are therefore intimately connected For this reason I deem it necessary to preface the Report, which it will be my duty to lay before you on the latter subject, by some remarks on the present state of the succession I propose therefore to submit a succinct account of all that has been hitherto written or done on this question, and that this review is requisite will, I think, be apparent

2 Maharajah Tal t Sing has two sons, the eldest, Konwur Juswunt Sing, was born at Ahmednuggur in 1836 37, his mother is the Chief Rancee, the Ranawutjee of an Oodeypore family the second (to whom a name has not yet been given) was born at Jodhpore on the 26th January 1844, his mother is the 2nd Rancee, the Buttjanejee, her parents are inconsiderable persons, residing in the village of Ostan Marwar

3 Koor Juswunt Sing's name was associated with that of his father in the deed of adoption executed by the widows of Maharajah Mun Sing, with the concurrence of the Nobles and State Officers of Marwar, and he was called to Jodhpore in the capacity of heir apparent to the throne The deed of adoption runs thus —

“Laljee* (my child) Shree Tukt Sing and Motee Juswunt Sing† read herein my expression of affectionate decision I have adopted you, Laljee Tukt Singjee, come here therefore quickly, bring with you Motee Juswunt Sing”

* Form of endearment used towards a son

† Form of endearment used towards a grandson

4 These proceedings received the sanction of the Agent to the Governor General, and subsequently of the Right Hon'ble the Governor General His Highness the Maharajah arrived at Jodhpore on the 29th of October 1843, having left his son, Juswunt Sing, at Ahmednuggur.

From Agent Governor General to Political Agent No 1035,
 17th October 1843

From Agent Governor General to Political Agent No 1183
 31st December 1843

No comment appears to have been made at the time on his non-appear-

ance. The only allusion to be found in the records of the Office is contained in a note from His Highness's Vakeel to Major Ludlow, dated 26th October 1843, in which he requests that Officer to apply to Captain Lang, Political Agent, Mahee Kanta, not to attach Ahmednuggur, as His Highness had left Koor Juswant Sing with a suitable administration to carry on the Government.

5. Soon after His Highness's arrival at the capital, orders were

From Agent, Governor General, to Political Agent, No 1188, 30th December 1843

received from Government by the Political Agent to report what appeared to be the feelings and desires of the Marwar Chiefs as to the future position and rule of the Ahmednuggur States. Major Ludlow states, in reply, that the Marwar Chiefs appeared to desire that

From Political Agent, to Agent, Governor General, No 14, 14th January 1844

Ahmednuggur should be considered as a distinct sovereignty, appertaining to Maharajah Juswant Sing by right of adoption by the widows of Maharajah Prithce Sing, on the assumption of sovereignty by Maharajah Tukht Sing.

6. This opinion of the Chiefs with regard to Ahmednuggur may be inferred to have originated in the jealousy caused by the appearance of sundry Ahmednuggurees, claimants on bounty, in the train of the new Ruler.

7. The birth of a second son was reported to have taken place on

From Political Agent, to Agent, Governor General, No 106, 20th February 1844

the 26th January 1844 by Captain French, who remarks —“ Although His Highness has another son, I esteem it a fortunate event, as it gives stability to the throne and lessens the chance of its being left without an heir.” From this it would appear that at that time Captain French did not consider the new-born infant successor to the throne.

The Agent, Governor General, in reporting this event to Government,

From Agent, Governor General, to Secretary to Government, No 63, 4th March 1844

observes —“ The first event (i. e., the birth) may be considered of additional importance in reference to the influence it may have hereafter upon the settlement of the question of succession to the gudees of Marwar and Ahmednuggur ” In reply, the Secretary to Government merely acknowledged the receipt of the despatch.

8 Captain French subsequently requested His Highness to afford him an explanation of the circumstances attending the adoption of Juswant Sing by the widows of Prithce Sing to which His Highness's Vakeel replied — "That the Mahjees and Chiefs of Ahmednugur, in the month of Kartik Sumbut 1897 (November 1840 A D), adopted Juswant Sing, but that he being young, Maharajah Tukt Sing conducted the duties of Regent Now Maharajah Tukt Sing is Ruler of Marwar,' and his son rules there The translation of the concluding line has been altered to agree more closely with the original, which is Wuhan ka Mahil hai

9 This reply appears to have convinced Captain French that Juswant Sing was debarred from succeeding to the Jodhpore throne,

for, in his memorandum on Jodhpore affairs, in reference to his letter, No 106, of 29th February (commented on in paragraph 7 of this letter), he states — "On the 26th January 1844 a son was born to Maharajah Tukt Sing his eldest son is on the throne of Ahmednugur, so that this infant is heir to that of Marwar'

10 Actuated by this conviction, Captain French presented a nuzzur of five gold mohurs to the infant, who was shown to him by request, at a private interview Sanction was requested for the outlay in

the following terms — "On the occasion of being for the first time introduced to the heir apparent to the throne of Marwar, such presents are customary to the nurse and servants of an infant Prince in this part of the world I thought it expedient to follow this harmless custom of the country, and as the accredited Agent at this Court to do as the Chiefs and Nobles did on, for the first time, *being presented to their Prince Royal* "

11 The Right Hon'ble the Governor General was pleased to

sanction this outlay, and the letter from the Secretary to Government, following the style of Captain French's letter, is to the effect that the Right Hon'ble the Governor General has been pleased to

sanction the expenditure of five gold mohurs on the occasion of the Agent's first introduction to the heir apparent to the throne of Marwar

12. I have made particular enquiries into this matter, as the addition of the apparent sanction of the Supreme Government to the recognition of the second son as heir apparent gives the transaction a character of serious importance. I have questioned His Highness the Maharajah, his Ministers, the chief Nobles, and my own official attendants, and have arrived at the conclusion that Captain French was misinformed when he supposed the Chiefs and Nobles had presented nuzzurs to the child. I am tempted to think that "did" is a clerical error in the concluding lines of the letter above quoted, and that "do" was intended.

13. The presentation of a nuzzur, moreover, does not constitute the inauguration of a Prince Royal as heir apparent. This is effected by the name of the Prince being added to that of the reigning Sovereign on the face of a public document and by certain religious ceremonies. The presentation of nuzzurs in open Durbar succeeds this ceremony.

14. No such forms have been gone through in favour of the second son of Maharajah Tukht Singh, he has not even yet received a name, nor in favour of Juswunt Singh, on account of his absence.

15. No irremediable steps have, therefore, been taken at Jodhpore in favour of either son, and, apart from the question of Juswunt Singh's adoption by the widows of Prithvi Singh, nothing has occurred to prevent the British Government from complying with the wish explicitly expressed to me by His Highness the Maharajah, that his eldest son should be allowed to join him at Jodhpore with the view to his acknowledgment as heir apparent. The Maharajah hopes to obtain an acquiescence to this project without resigning Ahmednuggur to the Edur family, but I will not proceed further with this part of the question, which will be treated on in another despatch.

16. The acknowledgment of Koor Juswunt Singh as heir apparent to the throne of Marwar will, in my humble opinion, be in accordance with the wishes of the Maharajah, with the election of the Mahjees and Nobles of Marwar, and with the right of primogeniture of the young Prince.

17 It may naturally be supposed, should Juswunt Sing's adoption bar his claims to succession to the guddee of Jodhpore and confine him to the sovereignty of the petty State of Ahmednuggur, that he will hereafter, when a man, consider himself aggrieved by being shut out from the more splendid inheritance by proceedings in which from youth he had no voice and bore no part

The object of this letter has been to clear away the misapprehensions that had gathered round the question of succession

From MAJOR C THORESBY Officiating Agent to the Governor General for the States of Rajpootana to F CURRIE, Esq Secretary to the Government of India, Foreign Department with the Governor General—No 41 1333 dated Ajmere the 9th November 1845

REFERRING to my letter to your address of the 6th September last No 996, and to its accompanying copy of a Report from the Political Agent, Jodhpore on the subject of the future succession to the guddee of Marwar I have now the honour to submit the second Report relating to the question of the disposal of the Ahmednuggur principality, which was promised by that Officer

2 This document and its several enclosures are forwarded in original, and I think they will be found to give a clear view of the grounds upon which Maharyah Tukt Sing holds that the now entirely distinct estate of Ahmednuggur does not, and ought not to, revert to the parent estate of Edur

From H. H. GREATHED Esq Political Agent Jodhpore to MAJOR THORESBY Officiating Agent to the Governor General,—No 118 dated the 21th October 1845

In obedience to the instructions conveyed through your letter, No 518, of the 3rd June last, enclosing an extract from a despatch of the Hon'ble the Court of Directors in the concluding portion of the 16th paragraph of which further attention is ordered to the question of the disposal of Ahmednuggur, I requested the Maharajah to favour me with

a fuller and more circumstantial account of the grounds on which he considers himself entitled to retain the possession of Ahmednuggur in his family, and with the view of facilitating a final adjustment of this question, I encouraged him to state freely the aim and object he himself had in view

2 You are aware that my predecessor, Major Ludlow, forwarded to your Office a translation of a khureeta from His Highness to his address on this question, enclosed in his letter, No 462, of the 13th December 1843, and that since then correspondence on the subject has remained in almost entire abeyance between our Offices. In that khureeta His Highness confined himself to an account of the origin, rise, and progress of his family, alluding only cursorily to the claim preferred by the Edur Chief, nor could more have been expected at the time, for when Captain Lang, the Political Agent in the Mahee Kanta, wrote the letters to which Major Ludlow's of the above mentioned date referred, the Edur

vide letter from Political Agent Mahee Kanta to Resident Baroda 6th October 1843

Chief had not entirely lost all hope of securing the Jodhpore throne, and the subject of the lapse of the Guzerat possessions of the

successful candidate to his unsuccessful competitor was, at the time of Captain Lang's writing, only mentioned by that Officer in the shape of a proposal, to which the rival champions for the Marwar succession were to be called on to agree before entering the lists. But the contest had been settled and Maharajah Tukt Sing was seated on the Jodhpore throne when this proposal arrived

3 Up to this time even the arguments, evidence, and documentary proofs, on which the Edur Chief grounds his claim to Ahmednuggur, have not been made known to Maharajah Tukt Sing, and for this reason he evinced some hesitation in again entering on his defence, while his antagonist kept out of sight

4 As, however, Captain Lang had courteously forwarded to this Office copies of two letters written by himself

Appendix A

on this subject to the Authorities at Bombay,

and had also written to Captain French, who officiated for me, on the question, I thought it best, with the view of obviating the objections of His Highness, to throw the main arguments adduced by Captain

Lang into the shape of a khureeta, and thus to afford the Maharajah some acquaintance with the attack directed against him

5 It would, doubtless, have been more satisfactory if the arguments, documentary and other proofs, brought forward by the Edur Chief, had been themselves the object of reply, and if the explication of the Maharajah be considered inconclusive, I must beg that the disadvantage under which he laboured be kept in mind. If Captain Lang's letters, however, convey all the arguments the Edur Chief has to bring forward, I think that my khureeta will be found to contain nearly all the material points, such as were omitted will be alluded to hereafter. A translation of it will be found in Appendix A, together with transcript copies of the letters from Captain Lang, from which its component materials are drawn

6 The translation of Maharajah Tukt Sing's reply will be found, with translations of the documents he has produced to support his arguments, in Appendix B, translations of precedents favouring his cause in a secular view form Appendix C, and translations of texts drawn from works on religion in maintenance of doctrinal points involved in the decision constitute Appendix D

7 The Maharajah's khureeta is divisible into four parts. In the first he argues that Ahmednuggur has enjoyed political independence of Edur, the senior sister State, in the second, that the sovereignty of Ahmednuggur did not become vacant by his accession to the Jodhpore throne, in the third, that the case should be settled according to the customs and usages of Rajasthan, and, in the conclusion, he submits, conformably to my request, the form of settlement which would be most agreeable to himself

8 The grant conferring the pergunnah of Ahmednuggur on the Maharajah's grandfather, Sugram Sing, a translation of which is enclosed in Appendix B, No 1, is quite unconditional of subservience in any shape to the parent State, and if the grant was not intended to confer perfect independence, the circumstances of undisputable possession during the remaining 17 years of the grantor, Maharajah Sheo Sing's life, the early death of Bhowanee Sing, and the subsequent minority of

Gumbur Sing, his successor at Edur, must have facilitated the resumption and maintenance by Sugram Sing and his successor of uncontrolled supremacy in the Ahmednuggur State

9 But there is no necessity to resort to a hypothesis to prove the completeness of the separation which took place between the Edur State and its offshoots, Ahmednuggur, Mourassa, &c, for it will be seen that when Zalum Sing, the Chief of Mourassa, the 3rd son of Maharyah Sheo

See paragraph 3 No. 11 Sing, who, according to Captain Lang's
pendix A statement, only obtained possession of Mourassa during Gumbur Sing's life time, died without issue, that Gumbur Sing failed in his appeal to His Highness the Gaekwar and the British Resident of Baroda for the escheat of Mourassa to him as Patwee or representative of the senior branch of the family, and that the widows of Zalum Sing were permitted to continue their husband's line and rule by the adoption of a son from the family, they preferred that of Ahmednuggur. This appears a marled proof of the independent footing on which this house was considered to stand, and the deduction necessarily is that, if the Mourassa House, which had only been erected into a separate principality in the life-time of the claimant, Gumbur Sing, could assert such independence, that, *ceteris paribus*, Ahmednuggur, which had been severed from Edur in the time of Gumbur Sing's grandfather, must have an equal, if not a stronger, title to a separate existence

10 In the letter alluded to in the margin of the preceding paragraph it is stated that Ahmednuggur was given to Sugram Sing about *ten* years before the death of Maharyah Sheo Sing, while it is asserted in the *Chhuretra* to have been granted *seventeen* years before that event. This discrepancy is not of much importance, but may as well be examined. According to Captain Lang, Anund Sing came into Guzerat about A. D. 1733, and, reigning 20 years, was succeeded by Sheo Sing, who ruled for about 10. Sheo Sing's death may, therefore, be dated 1792-93, and assuming the date of the grant to be correct, which is January 1775, the result will be found to be that Ahmednuggur was enjoyed by Sugram Sing for the period of 17 years previous to his father's death.

11 There is one instance of an apparent departure from the strict principle of independence brought forward by Captain Lang in the 5th paragraph of the letter quoted above. I allude to his statement of the Chief of Ahmednuggur having always attended with his followers, when required by the Edur Chief, on his more important expeditions. I inadvertently omitted to mention this instance in my letter to Maharajah Tukht Sing, but I have been verbally assured by His Highness that such assistance was only rendered while the Chiefs were on a good understanding, and did not affect the equality of the two States.

12 As the customs and usages of Rajasthan are adduced in evidence in the 2nd part of His Highness's khureeta, it will be proper, first, to examine on what grounds he pleads for an appeal to their authority in a question affecting Ahmednuggur, thereby placing himself in apparent opposition to the decree of the Hon'ble Court, promulgated in the extract of the despatch above acknowledged, by which the opinions and usages of Guzerat are constituted the standard of judgment.

13 But His Highness contends that the Rahtore States, established in Guzerat by Anund Sing and his descendants, have clung to the customs and usages of their native country, Marwar, in despite of their separation from its soil, and I may be allowed to presume that in the passage above alluded to, by the usages of Guzerat, which province contains many races of inhabitants, the usages of the Rajpoots are intended.

14 An instance in point of an appeal to the opinions and usages of Jodhpore by the Edur and Ahmednuggur families is adduced in the 22nd paragraph of His Highness's khureeta, and Captain Lang bears testimony to this effect in his letter, No 559, 7th October 1843, addressed to my predecessor, Major Ludlow, quoted in the margin. From these considerations I venture, with all deference, to draw the conclusion that an appeal to the opinions and usages of Guzerat is equivalent to an appeal to what obtains in Jodhpore, and consequently Rajasthan.

I may here add, to account for the great warmth displayed by the Edur Rancee on the subject of the succession, that, besides the intrinsic value of the prize in dispute viz., Jodhpore both as regards rank and revenue these Marwarree families cling with as much tenacity and pride to everything connected with their fatherland as they could possibly have done had they never left it.

15 I am not aware whether the Pole family, the representatives of the Edureea Rahtores, who were dispossessed by Anund Sing and his brother, to whose customs Captain Lang has drawn attention in paragraph 8 of his letter numbered 2, Appendix A, maintain the same observance of the laws of Rajasthan. They migrated at an earlier date, and appear, from Colonel Todd's Annals, to be the descendants of Soning, the 2nd son of Sheo Sing, who first led the Rahtores from Canouj into Marwar in the beginning of the 13th century. It may be doubted, therefore, laying aside the consideration of their insignificance, whether the customs of the Pole family form as safe a standard for the guidance of our judgment as precedents drawn from Rajasthan Proper.

16 In the 2nd part of the *Ishureeta* His Highness maintains that the *guddee* of Ahmednuggur did not become vacant on his accession to the Jodhpore throne, and he resists the claim of the Edur Chief on two grounds—the adoption of his son, Juswunt Sing, by the widows of Prithi Sing, and his own inherent right to retain the possession after his own adoption into the Jodhpore line. I do not consider that this double title is brought forward, as is inferred by Captain Lang in the concluding portion of the 5th paragraph of letter No. 1, Appendix A, with the view of mixing up the grounds and drawing a strengthened title out of their fusion. The co-existence of the titles will, I think, be found to be fortuitous, and, as it constitutes the chief point of intricacy in the discussion, that it is rather a disadvantage to Tult Sing. I consider that the meaning of His Highness is that, but for the giving in adoption of Juswunt Sing to his sister-in-law, an act which appears to have been the result of private and not of political consideration, he would have been at liberty, after his accession to Jodhpore, by the usages of Rajasthan, to have preserved Ahmednuggur as an appendage to Marwar, or to have continued the separate existence of his paternal house, by giving a younger son in adoption to his brother's widow. The latter mode of disposal obtains his preference.

17 Captain Lang in his letter to Captain French and the extract that accompanied it has broadly stated that the adoption of Juswunt Sing took place on the departure of Tult Sing for Jodhpore in September 1813, that the deed was antedated two years for the purpose of

defrauding the Idur Chief, and naturally expresses his regret that His Highness should have condescended to such an act of deception. It may appear presumptuous in me to question Captain Ling's opinion on a subject of such importance, the place of occurrence of which is within his jurisdiction, but justice to Maharajah Tult Sing, who is entitled to look for defence at my hands, where it can in equity be afforded, compels me to draw your attention to the vagueness of the proofs adduced in Captain Ling's letter in support of the charge. The report of the Karbaree sent by that Officer to Ahmednuggur, to the effect that the ceremony of giving in adoption took place on Tult Sing's departure, appears the only ground for the grave charge of falsifying a deed and practising a deception on the British Government. Such an act of meanness and trickery is, I am confident, so foreign to the character of the Rahtore Noble that I trust I shall escape the imputation of credulity in giving credence to the Maharajah's asseveration of the authenticity of the deed till further and conclusive evidence of its falsity is produced. The document itself is drawn up in due form, and is signed by many persons, the necessary witnesses to such a paper. It occurs to me that, if the deed were undated, the fabricators laid themselves open to considerable risk of detection by the chance, on rigid enquiry being instituted, of its being discovered that any one of the attesting witnesses was absent from Ahmednuggur on the day specified in the document, or otherwise prevented from being in attendance at that moment. The inability of a Native to recall to recollection dates in every day occurrences of his own life would render such a risk very great. Such a test does not appear to have been instituted, nor do the attesting witnesses seem to have been examined, nor the document itself or its writer subjected to scrutiny.

18 Captain Ling may, perhaps, consider that his previously formed conclusions were corroborated by a letter written to him by Captain French from this Agency, No 596, 24th October 1844, in which it is stated that "my suspicions (alluding to the probability of Jaswant Sing being brought to Jodhpore) were added to yesterday by Gumbur Sing brother in law to His Highness, he having, in reply, said he was not aware of Jaswant Sing's adoption, or of his being Ruler of Ahmednuggur," for Gumbur Sing is one of the attesting witnesses. The expla-

nation given to me by His Highness is, that Gumbur Sing was embarrassed by the questions, not feeling at liberty to discuss such subjects at a private interview with the Agent without authority, and, therefore, shielded himself in pretended ignorance. It would have been more compatible with our ideas of propriety if he had stated his real reason for refusing to reply, but a direct refusal is contrary to the conventional rules of Native politeness. It is not likely, if his name had been appended to a fabricated document, that he, residing with the fabricator and living on his bounty, would have been unprepared with a falsehood to bolster up the forgery. I regret to swell my Report with such disquisitions, but it appears necessary to clear away at once all misapprehensions.

19 Considering the charge as inconclusive, I did not place the Maharajah on his defence against it, and merely stated enough in my letter to draw forth some specific statement in his reply regarding the time and date of the adoption of Juswunt Sing. An account of this transaction and of the motives which led to it, will be found in paragraph 10 of His Highness's Khureeta. The reasons assigned are of a homely and domestic nature, and are unconnected with political objects. This may appear extraordinary, but it must be remembered that in 1811, the year in which the deed was drawn up, Tukt Sing had little or no prospect, and I fancy as little hope, of succeeding to Jodhpore. The records of the proceedings at this capital connected with the election in September 1813 of a new Ruler in the room of Maharajah Maun Sing, deceased, prove that the electoral body had no settled views to guide their choice at the time of his demise, and so little acquainted were they with the persons and condition of Tukt Sing and his son, that a deputation was sent to Ahmednuggur to report on both points, and to afford other information regarding other members of the Guzerat families. The election was deferred until the receipt of their Report.

20 It is likely, therefore, that the views of Tukt Sing in 1811 were confined to the prospect of ruling over Ahmednuggur, and that it was with this prospect that he entered into a family arrangement which, while it gratified his bereaved sister-in-law (who stand doubly in that

relation to him, being the sister of the mother of Juswunt Sing), did not at the time promise to be the source of embarrassment, into which it has been converted by the Maharajah's elevation to the Jodhpore throne

21 There was evidently no intention of the adoption interfering with Tukt Sing's virtual possession of Ahmednuggur during his life-time, and it was probably on this account that the event was not formally published

22 When, however, Tukt Sing had to leave for Jodhpore, the consequence of Juswunt Sing's adoption was felt, and he experienced the embarrassment of having given to another a claim on his heir apparent His Highness has more than once assured me that, although the adoption was a family arrangement, it effectually debarred him from removing Juswunt Sing from the side of his adoptive mother, without her formally agreeing to the cancelling of the deed The stipulation with which she promises her consent to this will be noticed hereafter

23 The next point to be considered is, whether the widow had any right to adopt Juswunt Sing I offer an opinion on this question with much diffidence, both from my imperfect acquaintance with the subtleties of Hindoo Law, and from the frequent modification to which that law is subjected by custom in various clans and castes But it appears, in my humble judgment that the letter of the Hindoo Laws of Inheritance and Adoption is inapplicable to the various questions arising out of political succession, as the fundamental rule of the law, a partition of the patrimony among the sons, is in such cases supplanted by the Law of Primo geniture

24 I conceive that in the private walks of life the widow of an elder brother, situated as the widow of Prathee Sing was, would have succeeded to her deceased husband's property, and would, in the natural course of events, have adopted a nephew as her heir, but by the conventional rules of political succession, Tukt Sing, the younger brother, had an undoubted right to succeed to his elder brother, and his brother's widow could not have adopted her nephew without his consent nor is it to be supposed that Tukt Sing would give his consent if, by doing so, he was to be displaced by his own son during his life time

25 But the adoption was a consolation to the widow, placed Juswunt Sing in a position to perform the funeral rites of his uncle, and now adoptive father, Prithi Sing, and left him in the same position in regard to the Ahmednuggur succession. Now that the Jodhpore throne has fallen to Maharajah Tukt Sing's lot, he wishes to continue the existence of his paternal house of Ahmednuggur by this process of adoption, substituting, with the widow's consent, a younger son in place of Juswunt Sing, whom he destines to be his heir at Jodhpore.

26 In the concluding portion of the 5th paragraph of letter No 1, Appendix A, Captain Lang contends that, if Maharajah Tukt Sing and his son had been removed by death, the idea of his *late brother's widow* being allowed to adopt a son from any other family would not have been entertained. This, I conceive, would be readily granted, for the right of adoption under such circumstances would undoubtedly have rested with *Maharajah Tukt Sing's widow*. I say undoubtedly, because the widows of the Mourassa House have twice been allowed to exercise that right in despite of the remonstrances of the Edur Chief. In Appendix D will be found texts from Granthis bearing on the subject of adoption and inheritance. Their drift appears to be that a widow is bound to adopt a son, except under certain stated circumstances, with or without her late husband's permission, and that an adopted son does not lose his claim to the patrimony left by his real father provided the real father has no other sons. In this position the Maharajah Tukt Sing stands.

27 I quit the subject of adoption by saying that it occurs to me that Captain Lang's Karbaree mistook the promulgation of the adoption for the execution of the deed, and thus gave rise to the charge of falsification.

28 As the giving Juswunt Sing in adoption did not violate Maharajah Tukt Sing's life interests, his inheriting the kingdom of Ahmednuggur, or to assign it away, may still be considered apart from that question. His reasonings on this subject will be found in the 1st part of his Khureeta, paragraphs 11 to 15. The instance of his brother, Prithi Sing, who had been adopted into a family, *obtaining* his patrimony, is a stronger proof.

allowed from the saying of Menu, "that an adopted son forfeits his patrimony," than the present claim to *retain* that patrimony on adoption. The precedents brought forward from the native annals of Rajasthan bear chiefly on the latter phase of the case. As I have appended my remarks to the translations, which will be found in Appendix C, I need not comment on them further in this place.

29 In the concluding part of the khurecta His Highness points out the course he is desirous to see adopted in reference to Ahmednuggur, although he argues that his accession to Jodhpore did not, according to the usages of Rajasthan, entail upon himself the relinquishment of his former possessions. I am satisfied that he has no wish to see Ahmednuggur converted into an appanage of Marwar, and that his real desire is to preserve for his patrimonial domains a separate existence and to secure the maintenance of the title and honours of his paternal house.

30 In my letter, No 91, of the 14th August, to your address, I explained all the circumstances that have occurred in relation to the question of succession to the Jodhpore throne from the date of Tukt Sing's accession up to this time and believe that I showed clearly that no steps had been taken to effect the title of the elder son, Juswant Sing, to the heir apparentship of Marwar. As the giving in adoption of Juswant Sing to the widow of Maharajah Pritheo Sing was the spontaneous act of Maharajah Tukt Sing, and in no ways obligatory on him, I conceive that the alteration of the deed by the substitution of a younger for the elder son, effected with the consent of both contracting parties and in consistence with the natural rights of the elder son, is a measure which I may in all humility venture to recommend. The adoption, moreover, of a younger son into the direct line of Maharajah Pritheo Sing will effectually secure the independent existence of Ahmednuggur as a State in the same position it occupied before the rule of Jodhpore devolved upon Maharajah Tukt Sing.

31 It only remains for me now to notice some collateral arguments adduced by Captain Lang which I did not consider necessary to include in my khurecta to the Maharajah. 1, that sound policy calls loudly for the reversion of Ahmednuggur to the parent State, 2, Maha-

177th Tukṭ Sing's own expectations to succeed to Edur in case the Chief of that place had obtained the sovereignty of Maiwar, 3, the acquiescence of the Edur people, as far as it could be ascertained, in the propriety of such expectation. In regard to the first argument, Captain Lang has explained further on in the same letter that it is the preservation of the Mahee Kanta in independence of Maiwar that is called for by policy. The footing on which Maharajah Tukṭ Sing is desirous that Ahmednuggur should be placed will, I consider, effect that object, or, should any doubts be entertained on the subject, it remains with the Supreme Government to issue such orders as it may in its wisdom consider necessary to secure the purpose. His Highness is quite sensible that, under any circumstance of tenure, Ahmednuggur must remain subservient to the authorities in the Mahee Kanta. Some time back, in talking over the subject with the Maharajah, I mentioned that the management of that province would be injuriously affected if any degree of authority was exercised by Jodhpore over the concerns of Ahmednuggur. He said in reply, that such exercise was out of the question, as the States were under different Presidencies, and that the maintenance of friendly relations was all he looked to.

32 I did not insert the second argument, because it appeared to me to touch the consistency of Maharajah Tukṭ Sing's conduct, and not the merits of the case, and I omitted the third, because it had not been, and now never can be, submitted to the test of experiment. Without affirming that Tukṭ Sing expected, as well as hoped, to obtain Edur in case of his missing Jodhpore, I must own that the well known passion of the Rajpoot for territorial aggrandizement and the consolation that would have been derived by the unsuccessful competition in obtaining his more fortunate rival's patrimony lead me to think it very likely, had the Edur Chief been seated on the Jodhpore throne, that I should have been now urging his claim to save Edur from the clutches of the Ruler of Ahmednuggur.

33 In conclusion, I beg to express my regret at having placed myself in apparent antagonism to Captain Lang and my apologies for having so frequently used his name, but I did not consider it becoming to call upon the Maharajah to reply to arguments expressed by a

British Officer and as, in justice to His Highness's interests, it was necessary they should be answered or explained, I found myself necessitated to enter personally into the arena

P S—Since the foregoing was drafted, a third son has been born to His Highness the Maharajah, as reported in my letter, No 117, of the 22nd instant. The Ranawutjee, the mother of this child, is also mother of the eldest son, Juswunt Sing, the second is the son of the Buttyanejee

ABSTRACT

Paragraphs 1 to 7—Introduces the question of the disposal of the State of Ahmednuggur, and states the circumstances under which Maharajah Tukt Sing defends himself against the claim preferred by the Edur Chief to that principality

Paragraphs 8 to 11—Discusses the question of the footing on which the State of Ahmednuggur stands in regard to that of Edur

Paragraphs 12 to 15—Demonstrates that the customs and usages of the Guzerat Rajpoots are the same as those of Rajasthan Proper

Paragraphs 16 to 28—Considers the grounds on which Maharajah Tukt Sing founds his claim to the retention of Ahmednuggur, remarks on the adoption of Juswunt Sing by the widow of Maharajah Prithee Sing, calls attention to the vagueness of the proofs adduced in support of the deed of adoption being fabricated, reviews the circumstances under which the adoption was made and the right of the widow to adopt a son

Paragraph 29—Considers the inherent right of Maharajah Tukt Sing to retain possession of Ahmednuggur

Paragraphs 30 and 31—Submits the course of settlement desired by the Maharajah, recommends the substitution of a younger son in place of Juswunt Sing in the Ahmednuggur adoption

Paragraphs 32 and 33—Notices arguments adduced by Captain Lang and omitted in the khureeta to the Maharajah.

Paragraph 34—Conclusion.

P. S—Announces the birth of a third son in the family of Maharajah Tukt Sing.

From the Political Agent Mahee Kanta to W S Born, Esq, Political Commissioner and Resident at Baroda,—No 670, dated the 8th November 1843

IN acknowledging the receipt of your letter of the 2nd instant, and the copy of your despatch of the same date to the address of Mr Secretary Willoughby which accompanied it, on the subject of the succession to Ahmednuggur consequent on the adoption and election of Maharajah Tukt Sing to the throne of Marwar, I have the honour to inform you that it is entirely on the ground that Tukt Sing is acting contrary to any Rajpoot usage which we can recognize and sanction in justice to the Edur State and its young Chief that I do strongly advocate the reversion of Ahmednuggur to the parent principality. There can, I imagine, be but one opinion, that sound policy calls still more loudly for the measure, and under the peculiar circumstances of Maharajah Tukt Sing's succession to Jodhpore in supersession of the Edur branch of his own family, I should hope that the Government of India, if necessary, would be disposed to take up the question on this ground alone. This is a point, however, which it would be presumptuous in me to press after having stated my humble but confident opinion that the continued tranquillity of the Mahee Kanta for years to come will mainly depend on its being kept as independent of Marwar influence as it has heretofore been. The justice of the Edur claim to Ahmednuggur, however, is a question on which I deem it my duty to offer a few observations, as you appear to entertain some doubt on the subject, and I trust in the view I have all along taken on this point, whichever of the two Chiefs had been adopted into the Jodhpore family, that I have not allowed my idea of the policy of the question to interfere beyond requiring that any precedents on

which we might sanction the retention by the future Sovereign of Marwar of a dependency in this province should be founded on some unquestionable basis

2 The grounds on which Maharajah Tukt Sing may set up his claim to retain Ahmednuggur in his family must, I imagine, be one of the three following *1st*, in his own right in addition to Marwar as having formerly belonged to him, *2nd*, in the right of his eldest son, who, of course, was heir to it in the event of his death, and *3rd*, in the right of his son as the adopted child of his elder brother Prithi Sing's widow Colonel Sutherland, in his reply to my letter on this subject, a copy of which was forwarded to you on the 6th instant, alludes to one other mode of disposing of the Ahmednuggur Talooka, *viz*, the election of a successor to Tukt Sing by the Sirdars and others having a right to choose a Ruler for themselves. Such a system, however, is not recognized even in the Edur State as far as my knowledge extends, although it has its principal Puttawuts and inferior Chiefs somewhat on the model of Marwar and the other larger States of Rajpootana, and it would never, I imagine, for a moment be asserted in Ahmednuggur, which, having originally been merely the appanage of a younger son, has nothing pretending to the title of Sirdars, except two or three of the most petty description of Chiefs, only one of whom, as far as I am aware, enjoys more than the produce in grain of a single village

3 As regards, then, the first tenure I have mentioned on which Maharajah Tukt Sing may claim Ahmednuggur, that of keeping it in his own right, I consider it fully disposed of by the reply received by Government last year from the Sudder Adawlut regarding the disputed succession to the Mourassa Pergunnah, which decided that, according to Hindoo Law, an adopted son forfeited all claim to the property of his actual father. Having left last year's records at Sadra for the purpose of being bound up, I regret that I cannot refer you to the date of the letter containing this decision as that of the Law Officers of the Adawlut in the supposititious case submitted to them, but I think you will find it some time in August of last year, and I am pretty sure that I have rightly quoted it. If I have done so, it would surely, under the circumstances which we are now called upon to decide on the conflicting claims

of Jodhpore and Ahmednuggur to the possession of the last mentioned talooka, be an act of downright injustice to decide in favour of Ahmednuggur on any contrary precedents that might be produced, or even on any opinion of the principal Chiefs of Rajwarra, which the preponderating influence of Marwar as one of its largest States might very possibly succeed in obtaining in favour of Maharajah Tukt Sing's claim

4 With regard to the claim of Tukt Sing's son to retain Ahmednuggur as his heir, I am not aware what the decision of the Hindoo Law of Adoption as interpreted by the Law Officers of the Adawlut would be upon this point, but as there can be no doubt, from the invitation of the Jodhpore Ranees to the Maharajah to take his son with him as heir apparent to the *gudlee* of Marwar, that they now look upon him, equally with his father, as a scion of the Royal House of Jodhpore, it stands, I humbly conceive, to reason that he can have no claim to his former patrimony, even if the Hindoo Law of succession should sanction the anomaly of a son having a right to what his father before him has forfeited by adoption into another family. Tukt Sing will easily, I doubt not, get this invitation cancelled if necessary, but its having been given at the time he was himself elected to succeed the late Maharajah Mun Sing sufficiently shows the light in which his son is regarded by the Marwar Authorities themselves and in the event of anything happening to Maharajah Tukt Sing, his right to succeed to Jodhpore would, I imagine, be universally admitted to be valid, so that leaving him for the present in charge of Ahmednuggur would in reality be tantamount to Tukt Sing's retaining it himself as a dependency of the Jodhpore State, and could not, I humbly conceive, be allowed without the greatest injustice to the Jodhpore Darbar, to whom the talooka originally belonged. The report mentioned in my letter of the 20th ultimo, of Tukt Sing's having had another son born to him just as he was leaving Ahmednuggur for Jodhpore, turns out, I find, to be unfounded, but even if true, it could not, I imagine, have affected the merits of the case, the birth not having been stated to have taken place till after the Maharajah's election as Sovereign of Marwar.

5 The ground, however, on which Tukt Sing himself appears to consider himself entitled to retain Ahmednuggur in the family is by

giving his son by adoption to his late brother's widow, but I think I shall be able to satisfy you that this claim on his part is not only unreasonable, but altogether untenable. I have already mentioned Tukt Sing's expectation to have succeeded to Edur had the young Chief of that place obtained the sovereignty of Marwar, but if the late Prithee Sing's widow can be allowed to adopt a son after having lost her husband nearly four years ago and her own son upwards of two, the Ranee of Edur would surely have had a still stronger claim to adopt another son from the Soor branch of the family (likewise eligible for the succession) had her own son, Jewan Sing, been adopted or elected to the Jodhpore throne. Not only, however, did Tukt Sing expect to succeed to Edur had this happened, but, as far as I was able to ascertain, the Edur people themselves thought he would have a full right to do so, and I have the strongest grounds for believing that when Jewan Sing was dangerously ill from small-pox, a few months after I arrived in the Mahee kanta, in the early part of 1839, many of the valubles supposed to have disappeared from the Durbar on the death of the late Rajah Gumbur Sing, and about which I have lately been enquiring as forming one of the charges against the Ex-Minister, Chajooram, were removed by the Ranee's brother, Pathoojee (of course with her consent), to their own village of Maimsa, under the knowledge that, if the young Chief died, the Ahmednuggur family would succeed to Edur as a matter of course. If, therefore, Edur as the parent State would not have been allowed under such circumstances to adopt or elect another Chief for itself, and it is thus evident that the parties most deeply interested in the matter had no expectation that such a thing could take place, it must follow as a necessary consequence that any adoption of the kind in the junior branch of the family could never be permitted without gross injustice to the young Edur Chief, in fact, the only way in which I can account for the Ahmednuggur people for a moment imagining that the claim they have put forward to retain that talooka can be recognized by Government is by supposing that, instead of resting it on any single one of the grounds on which alone it could be justly sanctioned, they mix them up together, and hope that the young Maharajah, Juswunt Sing, partly as Tukt Sing's heir and partly as the adopted son of his late brother, may be allowed, for the present at least, to represent the Ahmednuggur family,

trusting to Tukt Sing's influence as Maharajah of Marwar to effect some more permanent arrangement thereafter. It must, however, I humbly conceive, be conceded on all hands that, if Tukt Sing and his son had been removed by death, the idea of his late brother's widow being allowed to adopt a son from any other family would never have been entertained for an instant, and in this case, if I am right in supposing that by Tukt Sing's adoption into the Jodhpore House both he and his son are virtually dead as far as Ahmednuggur is concerned, the talooka must necessarily revert to the parent State of Edur as a matter of strict and undeniable right.

From the Political Agent Mahee Kanta to W & BORN Esq Political Commissioner and Resident at Baroda—No 708 dated the 18th December 1840

IN acknowledging the receipt of your letter of the 4th instant, No 976, and the copies of the instructions from the Bombay and Supreme Governments which accompanied it, regarding the claim advanced by the Edur Durbar to the Ahmednuggur Talooka consequent on Maharajah Tukt Sing's succession to Jodhpore, I have the honour to inform you that, agreeably to the orders of the Right Hon'ble the Governor General in Council, I have withdrawn the Mehta and Sowars sent by me to Ahmednuggur, with the exception of such number of the latter as the ruling authorities at that place may wish to retain for their own protection for the present. The whole of the Maharajah's own family, with the exception of his son, having lately proceeded to join him at Jodhpore, the time, I trust, is now past when any attempt on the part of the Edur Durbar to interfere directly in their own behalf was to be apprehended, at least, as far as I can ascertain, all they ever contemplated was throwing such obstructions as were in their power in the way of the Maharajah's departure with a view to induce him, through the intervention of influential parties on both sides, to enter into negotiations for the amiable cession to them of what he had heretofore enjoyed as a member of the Edur family on their agreeing to waive all further claim on the part of their young Chief to the Jodhpore succession. Even this idea, however, could scarcely, I imagine, have been seriously entertained,

so completely are all the resources of the talooka at our disposal at present owing to its being under our direct management during the young Chief's minority, and whatever their intentions on this subject may have been, they were instantly abandoned and the whole of the Sirdars assembled at Edur dispersed on their receiving instructions from me warning them against any direct attempt to assert their rights. Their conduct, indeed, throughout, under circumstances to them of the most trying nature, has been every thing I could have wished, and as this makes me the more confident that they will continue to confine their endeavours to obtain what they consider their just rights to legitimate means, I have at once withdrawn the Melita from Ahmednuggur with the less hesitation. Being, moreover, at this place, at no great distance either from Edur or Ahmednuggur, if any collision were likely to take place, I should doubtless receive information on this subject in sufficient time to enable me again to adopt such precautionary measures as are in my power to prevent it.

2. As I cannot but think, from the first part of the 3rd paragraph of Mr Secretary Currie's letter, that the Right Hon'ble the Governor General in Council would be desirous, with more full information on the subject, to reconsider the claim of the Edur Durbar to be placed in possession of the Ahmednuggur Talooka entirely apart from any demand on the part of our own Government to a cession of any portion of the revenues of either State, and as the question, whether viewed with regard to the Edur interests alone, or to those of this province generally, is by far the most important that we have been called upon to decide since our connection with the Mahee Kanta commenced, I feel assured that I will be excused for offering the following short account of the present Edur family and a few further observations in support of its claim to the repossession of the Ahmednuggur Talooka —

3. It is now upwards of hundred and ten years since the ancestor of these Chiefs succeeded in establishing himself at Edur, having been obliged with another brother to fly from Jodhpore on account of the murderous designs of their elder brother, then the reigning Chief there, against them. In one of the many fights they had with the Bhoomeyabs, or former Rajpoot possessors, of this province, one of the brothers was

killed, leaving no issue, the other reigned at Edur about 20 years, and consolidated during that period almost the whole of the present Edur and Ahmednuggur Talookas. He was succeeded by his son, Sheo Sing, who reigned over the united principality upwards of 40 years, and left five sons. The eldest, Bhowanee Sing, the present Edur Chief's grandfather, succeeded him, the second, Sugram Sing, grandfather to Maharajah Tukht Sing, had received Ahmednuggur and the few villages then dependent upon it from his father, Sheo Sing, about 10 years before his death, but the three other sons remained unprovided for. On the death of Bhowanee Sing, which occurred within less than a month of that of Sheo Sing, Sugram Sing and his other brothers were suspected of entertaining some designs against the life of Bhowanee Sing's son, Gumbur Sing, then a boy of 12 years of age, and were either expelled from Edur by the Sirdars and Pattawuts of the State, or fled of their own accord to Ahmednuggur, then belonging, as already stated, to Sugram Sing. The three younger brothers, as was customary in these times, then resorted to the field to exact from their young nephew a separate provision for themselves, and with the assistance of Sugram Sing succeeded one of them in establishing himself at Mourassa and the other at Byer. The third, who was blind from his youth, afterwards returned to Edur, and received for his maintenance a few villages, which are still dependent on that State and enjoyed by his four sons. Neither the Mourassa nor Byer brothers, however, left male issue, and these two pergunnahs in consequence have almost constantly formed subjects of dispute between the Edur and Ahmednuggur families up to the present time,—Edur claiming them as head of the family, and Ahmednuggur partly in right of adoption of a member of that family by the Mourassa Chief's widow, and partly as having been wrested with its assistance by force of arms from Edur.

4 The adopted line in Mourassa having likewise, however, become extinct by the death of Maharajah Tukht Sing's elder brother in 1839, a claim was advanced by the Collector of Ahmedabad to the Marwarree share of that pergunnah on the part of our Government, to whom the other half belongs. The birth of a posthumous son to the deceased Chief put a stop to this for a time, but the infant having died when little more than a year old, the point was again discussed, and it was only decided

a few months ago that "the Mourassa Pergunnah should be considered

Vide Mr Chief Secretary as a part of the Ahmednuggur Estate," but
Reid's letter of the 1st June that, as "the question as regards the original
last, No 1189 right of Ahmednuggur to Mourassa is not

free from argument, and in recognizing the right of Ahmednuggur to that pergunnah, the Governor in Council is of opinion that Tukht Sing should be required to make such arrangements as will secure the better and more peaceable management of Mourassa, the decision of Government in regard to the succession must be withheld until a satisfactory arrangement is effected" A reference was, moreover, made to the Sudder Adawlut in Bombay to elucidate certain points connected with the Hindoo Law of Adoption before this decision was come to If, therefore, the authority of the Hindoo Shasters was resorted to in that case and proved favourable to his claim, Maharajah Tukht Sing cannot surely complain if, in justice to the Edur Durbar, his right now to retain Ahmednuggur is submitted to the same test With regard to the Byer Pergunnah, its revenues are at present enjoyed by the daughter of the late Chief, but, owing to the dispute between Edur and Ahmednuggur regarding the eventual succession to it, it was placed under sequestration from this Office in 1837, and still continues under our direct management An Agreement entered into between the former Chiefs of Edur and Ahmednuggur only 17 years ago, through the then Political Agent, Colonel Ballantine, as been proposed as the basis of a settlement of this dispute, as it includes all the points at that time in discussion between the families, but although this has been agreed to by the Edur Durbar, the full consent of Maharajah Tukht Sing had not been obtained to it up to his leaving for Jodhpore

5 I mention all these circumstances thus particularly to show the very intimate connection which has existed between the Edur and Ahmednuggur families up to the present time The latter has always been regarded, and has always allowed itself to be, a younger and subordinate branch of the Edur House, and during the life time of the late Chiefs, Gumbur Sing and Kurn Sing, who only died eleven and nine years ago respectively, and who appear generally to have kept on tolerable terms together, Kurn Sing of Ahmednuggur used always to attend

with his followers when required to accompany the Edur Chief in any of his more important military expeditions. The two families, moreover, have no intermediate heirs between them, the only other branch, as already shown, being descended from a younger brother, and besides being the head of the family, the young Edur Chief must be regarded, as next to Maharajah Tukt Sing's own son, his nearest of kin. The very great hardship to the Edur House of allowing the Ahmednuggur Talooka to be transferred to Jodhpore, with which it has had no connection whatever for upwards of a century, will, I feel assured, from what I have stated, be sufficiently apparent to the Right Hon'ble the Governor General in Council, and it would not surely be requiring too much of Maharajah Tukt Sing, on his succeeding to one of the principal States of Rajwarra to the exclusion of the head branch of his own family, to relinquish the possessions he obtained, and could only, I humbly conceive, lawfully claim as a member of the Edur family.

6 It not being specified in Mr Secretary Currie's despatch whether it was considered by the Right Hon'ble the Governor General in Council that Maharajah Tukt Sing should be allowed to retain Ahmednuggur in his own right as a dependency of Jodhpore, or to make it over to his son as such, or as the adopted son of his late brother's widow, I have only for the present announced to the Edur and Ahmednuggur Durbars, in withdrawing the Mehta and Sowars sent by me to Ahmednuggur, that it is not considered as yet necessary to make any alteration in the management of

Fully stating the three different grounds of claim which Maharajah Tukt Sing may advance to retain Ahmednuggur in his family and separately mentioning the objections to the validity of each of them.

that talooka, but I beg to refer to my letter of the 8th ultimo, No 670, for a full examination of the several grounds on which Maharajah Tukt Sing may rest his claim to retain possession of Ahmednuggur, all of which I have endeavoured, according to my humble judgment, to refute, but which, if necessary, I trust, will be still more fully enquired into and submitted with this appeal to the Right Hon'ble the Governor General in Council.

7 Although it is not, I believe, customary in the larger States of Rajpootana for our Government to interfere more than is absolutely necessary in matters of succession or other internal administration, I feel satisfied that the Right Hon'ble the Governor General in Council

would not allow this rule, however decisive in the case of the Jodhpore succession, to interfere with the Edur claim to Ahmednuggur, if it can be clearly shown that a different line of policy has always been pursued in disposing of similar questions which have from time to time arisen among the petty States in this province and in Kattywar. The necessary information on this point can, of course, be much better supplied by Government, but I believe I am not wrong in stating that any case of disputed succession, whether arising in the largest or smallest State or talooka in either province, would be considered as requiring the immediate interference of Government, and be investigated and decided on its own merits. The very large number of petty and half-independent States and the great subdivision of many of these amongst different branches of the same family appear to have forced a greater degree of interference upon our Government, both in this and in other respects, than might otherwise have been necessary. A great part of the criminal jurisdiction of Kattywar is in our hands from the establishment of the Political Agent's Court and the direct intervention required on the part of the Agent in settling disputes between the several hundreds of separate jurisdictions under his superintendence. In the Mahee Kanta, from the still greater subdivision of property, our interference is necessarily even more minute. Every serious case of crime and most offences of a more trivial description, unless concealed from the knowledge of the Agent, come under his cognizance in some form or other, and surely under such a state of things a case of disputed succession must of all others demand the consideration and decision of Government. The province is, moreover, tributary to His Highness the Gaekwar and not to our Government, and this has lately led to the practice of Suttees having been put down by proclamation consequent on His Highness's having adopted the same enlightened measure in his own districts. Besides the Edur interests, therefore, those of His Highness the Gaekwar would appear to be in some degree involved in the transfer of the Ahmednuggur Talooka to Jodhpore.

8 Edur and Ahmednuggur being the only States of any consequence in this province, it is not, of course, to be expected that I could quote any precedents that would be considered conclusive in their case, but it may notwithstanding be proper to mention that the Raos of Pole,

the descendants of the Rahtore family, which reigned in Edur for several centuries before it was conquered by the present Marwarree family, have for the last two or three generations succeeded to the guddee from the small Theekrat of Verabur in the Edur Talooka, and that, when the present Rao succeeded, which was only last year, he left Verabur and its dependent villages, as had always been customary, to his next brother, although he had four sons. The Raos of Pole are now likewise under Edur, the place having been taken by the late Maharaj Gumbur Sing. The dependence is merely nominal, however, and although they have now dwindled down to the greatest insignificance, most of their villages consisting of small collections of Bheel huts, they still cling with Rajpoot pride to their ancient feelings and customs, and are looked up to by the Bhoomeyah Rajpoots of the province with the greatest respect. Their poverty, moreover, would only form an additional excuse for retaining the Verabur Theekrat, which consists of several small villages, as well as the Chiefship of Pole, if it were not entirely opposed to their notions of right to do so. In this case, too, the Pole and Verabur villages are not far apart, and both places are subject to Edur, whereas several considerable States, or parts of States, intervene between Jodhpore and Ahmednuggur, and the one is tributary to the British Government, and the other to His Highness the Gaekwar, although the entire right of management of his tributaries both in Kattywar and the Mahee Kanta has been ceded to us by His Highness.

9. Whatever may be the result of this appeal in behalf of the young Chief of Edur, I trust no apology is necessary for my having ventured to make it. Besides, the question still appearing to be an open one, provided sufficient grounds can be shown for reconsidering it, I cannot but feel that the rights and interests of the young Chief during his minority are specially entrusted to my charge, and that in neglecting them in any way I should equally fail in my duty to Government. The late Rajah of Edur died when his son, the present Chief, was little more than a year old, but not till he had specially recommended him to the protection of Mr Irwin, who was then in charge of the province. The Edur Talooka was soon afterwards placed under attachment at the request of the young Chief's mother,

to be taken care of for him during his minority Their not having excited themselves in time regarding the Jodhpore succession was owing, I imagine, partly to most of the old adherents of the Durbar having withdrawn to their own villages owing to the estate being under our direct management, and partly, no doubt, to their expectation that our Government would have interfered to a greater degree in regulating the succession On this point, however, they have now, I am happy to state, ceased to complain, but I allude to it as an additional reason for extending to the Durbar the assistance of our Government in the restoration of the Ahmednuggur Talooka, provided they are considered under this further explanation to be justly entitled to it

Translation of a khureeta from the Political Agent Jodhpore, to His Highness the Maharajah —dated the 27th August 1845

I HAVE on former occasions requested you, through your Vakeel and at our personal interviews, to state your claims on Ahmednuggur My reasons for doing so are these That, on account of your succession to the Jodhpore Throne, the Ruler of Edur lays claim to Ahmednuggur, and his grounds for doing so, as gathered from the letters of Captain Lang (Political Agent, Mahce Kanta), are as follows —He states that Ahmednuggur has been always connected with Edur, and was formerly in possession of his ancestors, that, on the demise of the (posthumous) son of Maharajah Prithce Sing, you succeeded to the Government of Ahmednuggur, but now you have ascended the Jodhpore Throne, and that your son, Juswunt Sing, has been named your heir apparent Consequently, as, according to the Shasters, an adopted son forfeits his patrimony, Ahmednuggur remains without a master, and escheats to him as head of the family Further, Captain Lang mentions that for two generations the Chiefs of the State of Pole, which belongs to the Edurees Rahtores, who are subject to Edur, has been adopted from the Theekrat of Verabur, and notwithstanding the adopted had issue, they abandoned their patrimony of Verabur to their brothers on succeeding to the possession of Pole These are the Edur Rulers' direct claims to Ahmednuggur, and in regard to the adoption of Juswunt Sing by the widow of Maharajah Prithce Sing, he asserts that it took place

on your departure from Ahmednuggur for Jodhpore, and that such an adoption was unlawful, because, after the death of Bulwant Sing, the son of Maharajah Prithce Sing, you yourself succeeded to the throne of Ahmednuggur, and therefore the widows of Maharajah Prithce Sing no longer had the right of adopting a son .

This case has been submitted to the Bombay Government, and has been forwarded to the Hon'ble Court of Directors, who have directed further enquiry to be made into the claims of both parties, and moreover laid down that this case should be decided according to the customs of Guzerat, not of Rajasthan For these reasons, as your letter on the subject to Major Ludlow was not sufficiently explicit, I must trouble you to enter more fully into it, and to produce such proofs, documentary and otherwise, as you may possess, and to state clearly what object you have in view

From the Political Agent, Mahee Kanta, to CAPTAIN FRENCH, Officiating Political Agent, Jodhpore,—No 638, dated the 31st October 1844

IN acknowledging the receipt of your letter of the 24th instant regarding the succession to the Ahmednuggur State on His Highness Tukt Sing's adoption and election to the throne of Marwar, and the wish of Maharajah Juswunt Sing's mother and uncle to get him recognized as heir to his father on his new Kingdom, in preference to a younger son born since His Highness went to Jodhpore, I have the honour to inform you that, on Tukt Sing's departure from Ahmednuggur in October last year, I sent a Karkoon and some Sowars to escort him as far as Pahlunpore, and another to take charge of the Ahmednuggur Talooka, considering that there could be no doubt but the right of Edur to have it re annexed to that State would be recognized by Government Maharaj Juswunt Sing wrote to me in consequence that his father on leaving had made him "*Malik*" of Ahmednuggur, and I received a letter to the same effect from His Highness Tukt Sing from Pahlunpore Neither of them, however, at that time alluded to Juswunt Sing's adoption by the widow of Prithce Sing. I was informed, however, by my Karkoon that a day or two before leaving Ahmednuggur the form of giving Juswunt Sing to this lady by adoption had been gone through, and in December I received from Government,

for my report, copy of a representation from the young Maharaj complaining of my having placed an attachment on the talooka, in which he stated that he had been adopted by his aunt, and sent copy of the deed of adoption for the information of Government, with a number of other documents, in support of his claim to retain Ahmednuggur. Copies of these were not furnished to me till afterwards, but in April last you sent me copy of a memorandum in *Hindustanee* from His Highness Tukt Sing's Valeel stating that Juswunt Sing had been adopted on the death of Prithee Sing's own posthumous child and I found, on receiving a copy of the deed of adoption from Government, that it had been antedated two years, in order to make it appear that from that period Juswunt Sing, and not Tukt Sing, had been Rujah of Ahmednuggur. This circumstance was pointed out in a letter of the 28th ultimo to the Assistant and Political Commissioners' address regarding the affairs of Ahmednuggur, an extract from which I lately sent you privately, and now beg to forward a copy of the deed of adoption here alluded to, in which Gumbur Sing's name appears as one of the witnesses.

2 In December copy of Mr Secretary Currie's letter to the Bombay Government, dated 13th November 1843, was received, and, as directed therein, the attachment I had imposed on Ahmednuggur was withdrawn, and the talooka has since been managed by the *Karbaree* left in charge by Tukt Sing, but with Maharaj Juswunt Sing as its nominal Chief. No formal installation, however, has taken place, nor is such usual or necessary in this part of the country to confirm a title of succession, but the *Ranee* of Edur has appealed to Government on behalf of her son, the minor Chief of that State, against Juswunt Sing's being allowed to retain Ahmednuggur after his father's election to Jodhpore, and copies of her representation have been sent to the Right Hon'ble the Governor General of India and the Hon'ble the Court of Directors with regard to Juswunt Sing's adoption by his aunt to succeed to Ahmednuggur. There can scarcely, I conceive, be any difference of opinion as to its illegality, inasmuch as the property had been rightfully inherited by Tukt Sing two years before, but even otherwise, if any sanction or confirmation of such a measure is required on the part of our Government, it must be considered altogether invalid, as none was either applied for or granted and as it appears to me to have been done in order

to defraud the young Edur Chief out of what the Ahmednuggur Authorities would seem, from antedating the paper themselves, to think must otherwise revert to him as a matter of right, I should think that, even if the adoption could be held in any way valid, Government would be disposed on this ground to disallow it. All the members of the Edur, Ahmednuggur, and Soor families have always, I beg to add, been allowed the title of Maharaj in this province.

3 As regards the wish of Juswunt Sing's mother and uncle to see him recognized as heir to his father in Marwar, it seems to me most natural, and must, I think, likewise be the secret desire of His Highness himself, or will eventually in all human probability become so. I alluded in some of my former letters on this subject to the future claim of Juswunt Sing if he survives his father to succeed to the *guddee* of Marwar as one of the many serious objections to the present arrangement, and as Captain Ludlow in his letter of the 15th October 1843, informing me of Maharajah Tukt Sing's election to Jodhpore, likewise stated that his son, Juswunt Sing, had been invited by the *Ranees* of the late Maun Sing to accompany him "as the Heir Apparent of Marwar," we could not, in my humble judgment, do better than encourage the present feeling and endeavour to prevent future intrigues on this point in Marwar, and at the same time to remedy the injustice complained of by the Edur Authorities by at once allowing Juswunt Sing to join his father at Jodhpore and re-annexing Ahmednuggur to its parent State of Edur, a suitable provision being, of course, made for all the ladies and other dependants of the Ahmednuggur family during their life time. I have not, however, I beg to add, heard of any intention to send Juswunt Sing to Jodhpore, and do not think that the Ahmednuggur Authorities would willingly part with him till they get some arrangement, either promised or effected, for their own maintenance for the future. Should any intention of the kind transpire, however, I shall, of course, endeavour, to the utmost of my power, to prevent their sending Juswunt Sing away till I hear from you that he would be welcome to Jodhpore, or till Government decides that he should be allowed to join his father there, but I am sorry to have to add that so little attention has been paid to my wishes and injunctions by the *Karbaree* in charge of Ahmednuggur since Maharajah

Tukt Sing's departure to Jodhpore, that it is perfectly possible they may send him off without consulting me on the subject. If I hear of anything of the kind, however, you shall have the earliest intimation I can give you about it.

Extract of a letter from CAPTAIN W. LANG, Political Agent, Mahee Kanta, to the address of T. OGILBY Esq. Assistant Political Commissioner and Resident in Charge Baroda,—No 574 dated the 28th September 1844.

Paragraph 3—I take this opportunity to return the representation which was made to Government by the young Rajah of Ahmednuggur regarding my having sent an attachment on that talooka on his father's departure for Jodhpore, and which was forwarded for my report at the time, and has since been returned to me with its several accompaniments, as requested, as you will find on referring to Mr. Chief Secretary Willoughby's letter on the subject of the 16th May last. No reply from me can be required, I fancy, to the several allegations it contains regarding my proceedings in attaching the talooka with a view to secure to the young Edur Chief what I conscientiously and firmly believed to be his just and undeniable rights, as the whole of my proceedings regarding every part of the Jodhpore and Ahmednuggur succession questions were fully

30th September 1843

5th October

7th d to

20th d to

2nd d to

28th ditto

1st November

3rd ditto

6th d to

8th d to

8th d to

20th d to

18th December

reported in my letters, written at the time, as quoted in the margin. I beg however, to state that of the accompaniments to the Maharajah's representation, that purporting to be his adoption by the widow of Prithwee Sing, the former Rajah of Ahmednuggur, is antedated two years, in order to make it appear that he was adopted when this lady lost her own infant child in September 1841, as reported in my letter of the 4th October

of that year, and that he, and not Maharajah Tukt Sing had, consequently, been Rajah of Ahmednuggur from that period. I find from a memorandum given by the Maharaj of Jodhpore to the Political Agent there some months ago that it is upon this ground His Highness now claims

Ahmednuggur as the inheritance of his son, but there is no question that Tukt Sing himself succeeded his infant nephew in possession of Ahmednuggur, and retained possession of it as *Rajah* up to the time of his election in October last to the *guddee* of Marwar, when a day or two before his departure he gave his son to his brother's widow, as reported in my letter of the 28th of that month, and explained in the communication from my Head Karkoon forwarded therewith. I much regret that the Maharajah should have condescended to this act of deception, but I deem it my duty, in justice to the young Chief of Edur, to mention it as a strong proof of the untenable nature of the Maharajah's claim to retain Ahmednuggur for his son if examined and decided on its own merits alone. I beg therefore to annex a translation of both these papers, and I may likewise add that no mention of this adoption was ever made by Maharajah Tukt Sing in any of his letters to me, nor any application preferred to obtain for it the sanction of Government, without which, agreeably to the usage which prevailed upon His Highness the Gaekwar managed this province through his own officers, the adoption would, I imagine, have been considered altogether invalid, to say nothing of the attempt to impose upon our Government by antedating the writing, so as to make it appear altogether unconnected with the succession to Jodhpore.

Translation of a Deed of Adoption given by the widow of PRITHEE SINGJEF
SESODUNJEE, to her nephew JESWUNT SING

CONSIDERING you a child, I have adopted you, taking you into my lap. Do you therefore look after and preserve your property, horses,

Note—The actual date of this adoption, as reported by my Karkoon, was Thursday, 11th Assar Wad Sambat 1899, or 19th October 1913. The late Rajah's posthumous child died on Tuesday, 13th, 1st Assar Sood Sambat 1897, or 28th September 1911.—(Sd) WM LANG,
Polit Agent

Rypoots, putta, country, servants, Ahmednuggur, Mourassa, Meghunj, and Byer, take care of the country and enjoy it. I have adopted you after the death of my son, Bulwunt Sing. Be obedient and respect my authority in every way, live for many years, and enjoy your kingdom. I have given this writing with my free will and consent, being in full possession of all my faculties, and signed by my own hand. I

have acted in this business according to the request of my deceased husband, taking the advice of all concerned Veerpoora testifies that such was the wish of the deceased Rajah, Reshwajec speaks to the same fact

Sumbut 1897 Asrud 13th day (blank)

Witnesses

(Sd)	THAKOOR RAJ SINGJEE SHREE SINGJEE
"	, KESREE SING MAN SINGJEE
"	" KUSHUN SING CHUN SINGJEE.
,	, MAHADJEE DOGUR WALA
"	" MAHADOO SING of Nilora
"	AOMJEE BHAAE
"	GHUMBHEER SING
"	BHARATE KAUJEE OOMED SINGJEL, by the hand of GOOLAB SING
	DEWROW KASEE of Veezapore
	THAKOOR RAJ SINGJEE SALIM SINGJEE of Mahumpore

The above has taken place in accordance with the orders the Prithce Singjee had signed Jusjee Lal Bhace Mahajee Phuttehkoor admits that she has been consulted, and the above has taken place with her will and consent, as also in accordance with the wishes of the deceased Ryah

Statement made by Russood Meer Moonshee Vakeel of His HIGHNESS MAHA
RAJAH TUKT SINGJEE of Jodhpore to CAPTAIN FRENCH Political Agent

On the 3rd of April 1844 I was questioned by you as to when Maharaj Prithce Singjee had adopted Maharaj Koor Shree Juswunt Singjee, I accordingly communicated this to His Highness Maharaj Tul t Singjee, and was informed that in the month of Decemler 1839 Suvunt 1896 (Kartik) Maharaj Prithce Singjee's health became indis posed On getting much worse, all the Sirdars, Puttaets, Mootsuddyan

(Karbarees), Khowas, Paswans, assembled and enquired of the Maharaj that, in the event of his not recovering, who was to be their master? He replied that Rance Shee Sesodunjee had hopes, should she produce a son, he was their Lord, but if these hopes were not realized, then Maharaj Juswunt Sing was to be their Lord. After this Maharaj Prithee Sing died on 29th January 1840, Suvunt 1896, Magsur Sood 1st. The above-mentioned Rance Sesodunjee produced a boy, who was named Bulwunt Singjee, he died in October 1840, Suvunt 1897, Asvud 4th. Maharaj Prithee Singjee had three wives (Rancees), Sesodunjee, Keswajee, and Veerpoora. The above Rancees, including the Sirdars, Mootsudda, Khowas, Paswans, &c, all assembled, and in the month of November 1840, Suvunt 1897, Kartik, Maharaj Shree Juswunt Singjee was adopted. He was at the time very young, in consequence Maharaj Tukt Singjee was consulted, and the affairs of the State conducted. Maharaj Tukt Singjee has since succeeded to the Throne of Jodhpore and become Lord of Marwar, Maharaj Shree Juswunt Singjee remaining Lord of Ahmednuggur. The above is written for your information.

Translation of a khureeta from His Highness the Maharajah of Jodhpore to the Political Agent—dated the 6th October 1815

In regard to what you have written concerning the claim preferred by the Chief of Edur to the possession of Ahmednuggur in consequence of my accession to the sovereignty of Jodhpore, and in respect to your exposition of the arguments advanced by him in support of that claim, as gathered from the letters of Captain Lang, Political Agent, Mahee Kanta, maintaining that Ahmednuggur has from of old been connected with Edur, and was formerly in the possession of his ancestors, my friend, I will prove that the claim and arguments are groundless.

2 For, subsequent to the death of Maharajah Anund Sing, son of Maharajah Ajeet Sing of Jodhpore, Maharajah Sheo Sing, the son of Anund Sing, conferred, in the fullness of his favour and bounty, the pergunnah of Ahmednuggur on his (2nd) son, Sugram Sing, my great-grandfather. This occurred in Sumbut 1830 (A D 1773) that is during Maharajah Sheo Sing's life time, and 17 years before his death. A copy of the Sunnud accompanies this letter.

3 Each (of Maharajah Sheo Sing's sons), being in possession of his own dominion, exercised therein the powers of sovereignty according to his own judgment and unfettered discretion, each being independent of the other

4 Subsequently, when Maharajah Gumbur Sing of Edur, becoming dissatisfied with his own share, notwithstanding that he again and again tested the consequences of dissension and experienced the mortification and disgrace of discomfiture, and acknowledged his error by entering into a Treaty and giving the security of trustworthy men, nevertheless he allowed but a short time to elapse before, oblivious of his engagement and security, he preferred claims before His Highness the Gaekwar, and procured the attachment of the other property, meaning Mourassa, which had fallen into the possession of Ahmednuggur

5 His Highness the Gaekwar, in communication with the British Resident, removed the attachment, and reinstated the owner in complete possession as soon as he became acquainted with the rightfulness of my (ancestor's) claim, actuated thereto by a sense of justice and guided by the written opinion of Maharajah Maun Sing of Jodhpore

6 For these States (Edur, Ahmednuggur, and others) maintained a connection with Jodhpore, which is their source and origin

7 From that day to this the bond of amity and the ties of concord between Edur and Ahmednuggur were so completely severed and broken, that on our part, in writing such public documents as Agreements, Treaties, and Deeds of Adoption, the first of all pledges entered therein was to abstain from all intercourse and connection with Edur

8 Moreover, from that time to this, under all circumstances and changes of fortune, we of Ahmednuggur have continued to act independently and according to what seemed fit and proper to ourselves, so on what plea can their pretension (to connection with Ahmednuggur) be entertained?

9 In regard to what the Edur Chief has advanced on the subject of my having become the Ruler of Ahmednuggur on the death of the son of Maharajah Pratheo Sing, and my being now the Sovereign of Jodhpore, and in respect to (my son) Koor Juswant Sing having been

summoned to Jodhpore in the capacity of heir apparent, and on the subject of an adopted son forfeiting, according to the Dhurm Shasters, all claim to his original patrimony, and of the vacancy consequently occurring at Ahmednuggur, which he therefore considers should escheat to him (Javer), that all these assertions are for the following reasons void of reality —

10 It has already been mentioned in former letters that on the demise of Bulwunt Sing, the son of my brother, Maharajah Prithce Sing, in Sumbut 1897, A D 1841 42, I allowed my sister in law to adopt my son, Koor Juswunt Sing, permitting this in disregard of all worldly consideration, self convenience, and advantage in despite that at that time Juswunt Sing was my only son, solely on account of the grief and bereavement of my sister in-law, and because I could not permit her to remain broken-hearted

Under these circumstances, Koor Juswunt Sing being alive, how can the Edur Chief maintain that the sovereignty of Ahmednuggur is vacant?

11 In respect to an adopted son forfeiting his own patrimony, I must make this remark, that Beerpoorejee and Baghaleejee, the widows of Maharajah Partab Sing, adopted my elder brother, Prithce Sing (the usual pledge of abstaining from all intercourse with the Edur House being introduced in the Deed of Adoption), and that subsequent to this ceremony in the Sumbut year 1875, 13th Jet Sudh, I was born, and that in 1891 the demise of my father, Maharajah Kurn Sing, took place, when, notwithstanding my existence, Maharajah Prithce Sing, who was Ruler by right of adoption of Meghur and Mourassa, succeeded to the sovereignty of Ahmednuggur, the paternal domain, and governed and possessed as long as he lived both States, viz., Ahmednuggur, in addition to Mourassa, on the same footing that Maharajah Kurn Sing had done

12 Now, supposing that the rule above laid down by the Edur Chief had applied to my house and family, I ought to have succeeded to the Government of Ahmednuggur on the death of my father, and Prithce Sing should have forfeited it as being the paternal domain

13 Thus, if the Edur Chief's position be correct both by the right of the past and present, the Raj of Ahmednuggur belongs to me, and by

the custom of Ryasthan the right and title to an original possession does not become invalid, and is not set aside by the acquisition of another heritage and dominion

14 On the grounds of my complete title, I am (in my own opinion) at liberty to bestow the possession (of Ahmednuggur) on whomsoever I please, who may stand in near relation to me, either on Maharajah Juswant Sing, or on the Ranee of Maharajah Prithi Sing

15 Since the adopted son of Prithi Sing is my child, who can be said to stand in closer relation than he, Juswant Sing, who is not only the adopted son of my late brother, but also the natural heir to Ahmednuggur. The possession should therefore revert to him, and not to the Edur Chief.

16 Further particulars on this subject will be gathered from a collection of extracts from the Dhurm Shaster and from an epitome of the customs and usages of Rajasthan refuting the assertions of the Edur Chief

17 Next, in regard to what you have brought forward, on the authority of Captain Lang, respecting the House of Pole belonging to the Edurcea Rahtores, who are subject to Edur, to the effect that the widow of that house adopted the possessor of Veerabur, and that he, notwithstanding he had issue, surrendered his patrimony to his brothers on becoming the Lord of Pole, I have to remark that besides that, even if the facts of the case are passed over unquestioned, it is of itself not to be relied on, for this person, the owner of Pole, is a dependant and a subject of the Edur State, and even if I abandon this objection, how can this case affect me? It may happen that a person chooses for some reason or another to give away or abandon his house and chattels, he is at liberty to do so, and this may be the caprice of the Lord of Pole, but forfend that, all Ryasthan and other places should be guided by his example

18 That only can be considered a precept and precedent which is universally adopted to put a stop to strife and disputes With this end parallel cases and the precepts current in Rajasthan (on this subject) are appended to this letter

19 Moreover, in my own opinion and that of other persons of discrimination, the Races of Pole displayed an erroneous notion of right in inflicting an injury on the interests of his son

20 Next in regard to your assertion that this case should be settled according to the customs of Guzerat, and not agreeably to the usages of Rajasthan How can it be that, while Jodhpore of Marwar is the father-land, the original dwelling place, the native country, the source and origin of myself and my ancestors, questions affecting me are to be decided according to the usages of Guzerat?

21 I have never heard that when Easterns migrate to the West and Southerners visit the North, although they change their residence and bid adieu to their fellow-inhabitants, that they likewise have to alter the customs and usages of their own families If my argument is correct, then let the decision of the case under consideration, which is clearly proved and established in my favour (by the reasoning I have adduced), be allowed to turn on the customs of Rajasthan, or the usage of my family

22 And with reference to the last proposition, it will be most clearly seen, from what has gone before, that when the case of Meghury and Mourassa was brought before His Highness the Gaekwar, that Maharajah Gumbur Sing of Edur appealed to the customs and usages of Rajasthan in support of his claim, while, on the other hand, my ancestor also, to establish his right and to set forth the customs and usages of his family, procured a letter on the e points from Maharajah Marun Sing of Jodhpore to His Highness the Gaekwar, and the case was disposed of according to the dictates of this very letter From this it is clearly demonstrated that my family did not abandon the customs and usages of their father-land, Marwar, when they for a time made Ahmednuggur, &c, their place of residence

23 This practice of preferring futile claims is an old habit of the Edur House, as will be seen from their renewing contentions again in spite of having given security and entered into Treaties and Agreements and made appeals to His Highness the Gaekwar

24 If the Supreme Government will review this matter in the spirit, the cordial kindness with which I have been always favoured, and in conformity with the dictates of justice and equity, I am convinced beyond a doubt that right will receive its due and that the wish of my heart will be accomplished,

Proposition of the Bhabee
Sahibah Soore Seesodanyee the
widow Ranees of Ahmednuggur
Text from the Dharm Shaster

which is, that the heir apparent, Juswunt Sing, should come to Jodhpore in conformity to the invitation and wishes of the Ranee Rajlog (the widows of late Maharajah Maun Sing), the Sirdars, Puttrats, and others, and agreeably to the consent of my sister-in law (at Ahmednuggur) and my own inclination. In deference also to the respective rights of my sons, that the elder son should succeed to the higher degree and my younger to the lower degree of sovereignty, an especial argument stronger than all others in favour of this arrangement is, that it will be productive of content, cordiality, and concord.

25 As up to this time I have not been informed what proofs in the shape of documents the Edur Chief may have brought forward to support his claim, I will thank you to procure me copies of them, that I may have an opportunity of replying to and refuting them.

26 Documents, as enumerated below, are annexed, from which you will learn all particulars.

NOTIFICATION

FROM MAHARAJAH SHEO SING to his second son KOOR SUGRAM SING written in Sumbut 1830 Magh Sud Panchum at Edur

His Highness Maharajah Sheo Sing, whom God protect, has been pleased to confer the pergunnah of Ahmednuggur on Maharaj Koor Siree Sugram Singjee

Translation of a Deed of Adoption given by the widow of PRITHEE SINGJEE, SEESODUNJEE, to her nephew, JUSWUNT SING

CONSIDERING you a child, I have adopted you, taken you into my lap. Do you therefore look after and preserve your property, horses, Ryapoots, putta, country, servants, Ahmednuggur, Mourassa, Meghurj, and Byer, take care of the country and enjoy it. I have adopted you after the death of my son, Bulwunt Sing. Be obedient and respect my authority in every way, live for many years, and enjoy your Kingdom. I have given this writing with my free will and consent, being in full

possession of all my faculties, and signed by my own hand I have acted on this business according to the request of my deceased husband, taking the advice of all concerned Veerpoora testifies that such was the wish of the deceased Rajah Reshwajee speaks to the same fact

Sat 1st 1877 Asad 13th day (blank)

Witnesses

(Sd)	THAKOOR RAJ SINGJEE SHREE SINGJEE
"	" KESREE SING MAN SINGJEE
"	" KUSHUN SING CHUN SINGJEE
"	" MAHADJEE DOGUR WALA
"	" MAHADOO SING of Nikora
"	AOMJEE BHAEE
"	GHUMBHEER SING
"	BHARATE LAUJEE AOMED SINGJEE, by the hand of GOOLAB SING
"	DEWROW KASEL of Veczapore
"	THAKOOR RAJ SINGJEE SALIM SINGJEE of Muhumpore

The above has taken place in accordance with the orders the Prithee Singjee had signed Jusjee Lal Bhaee Mahyjee Phuttehkoor admits that she has been consulted, and the above has taken place with her will and consent, as also in accordance with the wishes of the deceased Rajah

Substance translation of a note (rendered into Hindee from the Guzeratee) from ANUND RAO Gackwar of Baroda to the address of PARTAB SING — dated Mah Bud the 8th Sumbut 1875

ZALUM SING of Mourassa fell at Ablecalaree in Sumbut 1863, leaving no son Sugram Sing of Ahmednuggur had two sons, the elder Kurn Sing, the younger yourself, and the widow, Rancee Chuorejee, knowing Zalum Sing's affection for you, received you in adoption, Bapoo Kachee and Ryeswurree Roognath Maheput Rao being the medium of communication on the occasion

The last named person wrote to me on the subject, and upon my authority sent Bapoo Kashee to Mourassa, who having invested you, your adoption became complete. You received a dress of honour from the Sirkar (the Gaekwar) upon the occasion, and you assumed the administration of affairs. After this Gumbur Sing reflected that, being the head of the family (Patwee), he would obtain possession of Mourassa, and signified the same to the Sirkar, upon which he caused a paper to be written directing the annexation of Mourassa, Byer, and Meghury to himself.

Subsequent to this event, particulars having been fully ascertained, it was decided that you being the (adopted) of an own brother (of Sugram Sing), your right was established, and the rule of the Edurwala, which had been ordered in writing, became reversed.

The first paper of the Sirkar had been prepared, and the exercise of the authority thereby granted to Gumbur Sing, but afterwards your Vakeel and the Vakeel on the part of Gumbur Sing came to the Sirkar, having searched out former documents, assembled four Shastrees, and caused them to ascertain the rule laid down in the Shasters. These persons pronounced that the adoption was legitimate, and that Gumbur Sing of Edur possessed no right or title.

Thus it was resolved to make over the possession of Zalum Sing to you.

I have addressed Gumbur Sing to the effect that he had no title, I now send the letter to you that you may deliver it, obtain possession, and exercise authority.

Letter from HIS HIGHNESS ANUND RAO Gaekwar to MAHARAJAH GUMBUR SING Edurwala,—dated the 4th Magh Bud Sumbut 1875.

THE pergunnahs of Mourassa, Byer, and Meghury belonged to your uncle, Zalum Sing, in Sumbut 1863. He fell at Ablecalaree, leaving no sons. For this reason his Ranee, Chuoreejee, hearing that her deceased husband entertained a strong affection for his nephew, Partab Sing, the younger son of his brother, Sugram Sing, made known to Rajeswuree Roognath Maheput through Bapoo Kashee her wish to adopt Partab Sing.

2 He wrote and requested orders from me Instructions were sent to Bapoo Kashee, in accordance with which he performed the ceremonies of adoption and conferred the khillat of investiture

3 Upon this you sent Gosach Munnee Gcer to me to prefer your claims to those places I appointed a Panchayet to enquire into the matter, the members of which could not agree in opinion Then you represented that Mourassa and the other places had been conferred on Zalum Sing as a life tenure, that now he is gone, his Ranee should hold them for her life, after which they should revert to you as rightful owner Moreover, that you and the Ruler of Jodhpore are of one family, and that the practice of adoption is not allowed at Jodhpore Further, that (were it allowed) it should be with the advice of the Raj Patwee, which necessary form had not been complied with on this occasion, for although Indur Sing and Ameer Sing, own brothers of Zalum Sing, were present at the adoption, neither of them attested the deed

4 Some time was occupied in enquiring into these circumstances, in the meanwhile Damodur Bharut, your Agent, making use of false representations, sought to persuade me, in Sumbat 1872, to confer the three places on you, and orders were sent to Bucha, Jemadar, to carry this into effect

5 But before you were placed in possession, Purtab Sing, Vakeel, represented the matter in its true light to me and the Resident, upon which Bucha, Jemadar, was ordered to attach the three places and await further orders, upon this both your Vakeels appeared, the merits of the case were enquired into, and the question of the right of the Ranee to adopt Purtab Sing was referred to the Shasters

6 In the Shasters it is written that adoption is permitted to the four castes and to the Shunkurnattee, the widow adopting a son after her husband's death, and that agreeably to his instruction, when there are many brothers and nephews of the deceased, the adopter may adopt any one among them she may choose to select

7 So that in adopting the younger son of Sugram Sing, the brother of Zalum Sing, the Ranee acted properly

8 You and Zalum Sing and his other brothers, having separated, exercise separate authority within your respective jurisdictions in the settlement of such a case (as that of adoption) the Patwee (the elder branch) has no power or influence

9 You assert that you and the Ruler of Jodhpore belong to the same family, and that the practice of adoption does not prevail at Jodhpore Now Purtab Sing has produced a letter from Maharyah Maun Sing of Jodhpore to this effect "after the death of Zalum Sing his adopted son, Purtab Sing, was placed in possession of his estate, and now the place has been given to Edur This proceeding causes astonishment For this reason, re adopting the course first properly pursued, the place should be returned to Purtab Sing Moreover, the following advice was received from Jodhpore itself, a chief State of Rjasthan —Zalum Sing's own brothers, Indur Sing and Ummeer Sing, were present at the ceremony of adoption, but their attestations are not on the deed, for this reason is there a doubt? but your (the Gackwar's) chief Karbaree went there after the adoption and gave a khillut, and the ceremony of Subhaurumb was performed agreeably to the customs of your Raj Indur Sing and Ummeer Sing were there but the one is blind, and the other of an unsound mind, therefore the performance of the ceremony was made clear according to the Raj Suttee, the precepts of Government, there was no occasion for attestations

10 But I have received letters from both of them (Indur Sing and Ummeer Sing) signifying their approval, so there is no longer a doubt on the subject The adoption of Purtab Sing was according to the Shasters

11 Therefore you are ordered, on receipt of this letter, to make over to Purtab Sing these three places, and to account to him for what you have derived from them

12 Purtab Sing will contract a suitable marriage for the daughter of Zalum Sing within a year, and will provide for her hand omely in food and clothes up to the time she takes up her abode in her husband's house On this head Purtab Sing has given me satisfactory assurance

13 For these reasons Mourass, &c, are to be given up to Purtab Sing

Letter from MAHARAJAH KURN SING to his Aunt SHREE CHUOREEJEE widow of MAHARAJAH ZALUM SING of Mourassa written Bhadon Sud Panchum Sumbut 1861

SINCE you have of your own free will adopted Purtab Sing (my younger brother), therefore all the possessions of Shree Huzzoor Zalum Sing are his, whether Pergunnahs Mourassa, Meghury, and Kuntaloo, the villages of Malpore, Salaamee, Fees, Wells, the Pergunnah of Moree, the Talook of Munkoree, the village of Amleeara, and others connected with it, but for the present severed, every grain of their produce, the horses, the Rajpoots, and other properties and all valuables are his No one else has a claim to them I write this of my own free will and accord, and you have adopted him of your accord From this Agreement should there be a departure, may Shreejee be between us No departure will take place This place is yours, and you are its possessor Edur shall not claim it With my assent you have adopted and installed Purtab Sing Former Agreements will be upheld Should Edur or any of the Bho-mya Grassias disturb us, then together we will expend Rupees 5 and divide their possessions equally and carry on the war to our hearts' content We will act according to this Agreement

Barut Bala Mukhum, Barut Hathee Girdhur, Barut Bala Gugul, Barut Amolikhmo are securities for this

Translation of a letter from the BHABEE SAHIBAH SESODUNJEE the widow of MAHARAJAH PRITHEE SING of Ahmednuggur to the address of MAHARAJAH TUKT SING of Jodhpore

WHEN your brother's son, Bulwunt Sing, died, you became the owner of all the land, places, &c , but to enable me to forget my sorrows, you gave me Juswunt Sing in adoption Still you remained lord and master subsequently you acceded to the Jodhpore throne, and at the same time Juswunt Sing was named heir apparent But out of regard for me, and considering me one of your family, you left Juswunt Sing here Now, agreeably to my wishes and your own, and in conformity to the deed executed at Jodhpore, viz., the nomination of Juswunt Sing as heir apparent, summon Juswunt Sing to Jodhpore and give me your

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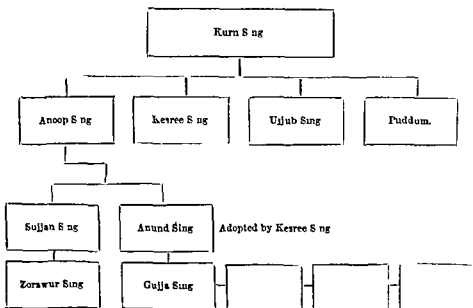
• **Purtab**

Maharyah Siwace Jey Sing had two sons the elder, Eesree Singjee, became the Ruler of Jeypore, the younger, Madho Sing, was nephew by his mother's side to the Rana of Oodeypore, who conferred upon him the two pergunnahs of Tonk and Rampoorah. As Eesree Sing died without issue, Madho Sing succeeded to the Jeypore throne, and Tonk and Rampoorah remained in his possession. Subsequently the troubles of the Holkars took place, and Madho Sing ceded Tonk and Rampoorah to Holkar.

Note by the Political Agent

Siwace Jey Sing married after the birth of Eesree Sing a sister of the Rana of Oodeypore, pledging himself that her son should succeed him. She bore Madho Sing. On Jey Sing's death Eesree Sing was raised to the throne, and reigned for five or six years, Madho Sing seeking to gain what he considered his rights in this attempt he succeeded with the assistance of Holkar, to whom it would appear that Tonk and Rampoorah were ceded in part payment of the services rendered by him.

BICKANEER



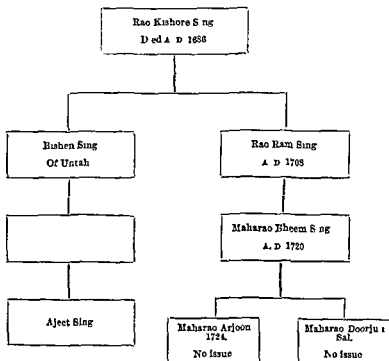
No issue adopted
Gujja Sing who
ruled Bickaneer
and Runnee A. D.
160.

Maharajah Kurn Sing had five sons 1, Anoop Sing, 2, Kesree Sing, 3, Ujjub Sing, 4, Puddum Sing, 5, Umur Sing. Anoop Sing succeeded his father on the Bickaneer Guddee, Kesree Sing went to Runnee. Kesree Sing having no offspring adopted Anund Sing, the son of Anoop Sing. Anund Sing had four sons 1, Umur Sing, 2, Gujja Sing, 3, Goodur Sing, 4, Tara Sing. Gujja Sing succeeded his father at Runnee, Anoop Sing of Bickaneer was succeeded by his son, Sujjan Sing, and Sujjan Sing by his son, Zorawur Sing, who, having no issue, adopted Gujja Sing of Runnee, who ruled over both Bickaneer and Runnee.

Note by the Political Agent

It appears that Runnee was held by Kesree Sing under feudal tenure. As a fief of the empire there were two other divisions of Bickaneer which enjoyed virtual independence, Badera and Chooroo, these were only reduced to dependence by Soorat Sing, the predecessor of the present Ruler of Bickaneer.

KOTAH



Maharao Doorjun Sal of Kotah died without issue, Maharajah Ajeet Sing of Untah was adopted as his successor, and Untah was attached to Kotah

Note by the Political Agent

Untah was a fief of Kotah assigned to the elder son of Rao Kishore when he was shut out from the succession to the throne by his father. It is said he enjoyed virtual independence. After the time of Ajeet Sing it was again given as an appanage, and altogether lost to the State.

RAMPOORAH.

Rao Chundo of Rampoorah was succeeded by his son, Nirhur Dass, who was succeeded by his son, Doodha, who was succeeded by his son, Nutteh Sing, who died without issue. Roopnarain, son of Rugman Gund, son of Rao Chundo, was adopted, and succeeded to the rule of Rampoorah in Sumbut 1700, A. D. 1644. He had enjoyed a jagheer yielding Rupees 15,000 a year, and retained possession of it after his accession to the guddee of Rampoorah.

DEOLI

Dewan Sawunt Sing of Deoli had a son named Deep Sing, who left two sons, Kesree Sing and Dulput Sing. Kesree Sing, the elder, succeeded his father, and Rawul Juswunt Sing of Doongurpore adopted the younger, Dulput Sing. He, Dulput, obtained possession of Deoli, on which Rawul Juswunt Sing said you have become master of Deoli during my life-time, I will therefore adopt another son. So he contemplated adopting the son of the Thakoor of Nadlee, but Dulput Sing proceeded to Doongurpore, seized Rawul Juswunt Sing, and, having made him prisoner, reigned over both Deoli and Doongurpore.

Translation of texts from the Beer Mintur Oodya Grunth enclosed in a khureeta from His Highness the Maharajah of Jodhpore to the address of the Political Agent.

IN the Beer Mintur Oodya Grunth it is written on the subject of adoption—The son given in adoption by a mother in accordance with commands of her husband is styled the *Dut Poolur* of the adopter.

2 Menu says that a son given to another by its father or mother, or by both, under the pressure of calamity, should he be good looking and intelligent and given through motives of affection, ought to be looked upon as a *Dut Pootur*

3 A child is the creation of his parents, therefore a mother and father have the power to give away, sell, or turn out of doors, their child

4 And he has thus said —It is not proper to give away or take an only son, for upon him depends the continuation of his father's lineage Also that a woman should neither give a son nor take one (in adoption) without the command of her husband

5 In regard to this saying, that a woman should not adopt a son without the consent of her husband, it would happen that if a husband died without granting the permission, that a widow would be debarred from adopting a son Now many assert that such is not the case

6 For in the Shasters it is thus laid down —That whoever dies and leaves no son, his funeral rites cannot take place, therefore to adopt a son is a special command, and the Shasters should be respected, therefore, by the order of the Shasters, a widow is permitted to adopt a son

7 Should any one say, according to you a widow cannot adopt without her husband's permission, it is pernicious, there he will speak falsely, and should not use such words

8 For these reasons, that is, that the saying (in paragraph 5) should not be belied, to obey the Shasters is essential to all, to say that is proper

9 This saying would be contravened in the case of a man who is devoted to salvation, and for this reason does not need to adopt a son if his wife should do so If one man has two or three wives, and one of them has a son, and the others have not, in that case the husband is not allowed to grant permission to them to adopt a son, for one of the other wives to adopt a son would be improper

10 Supposing a man has many wives, and one of whom has a son, on account of this son all the rest may be considered as mothers, so says Menu

11 What is a son's duty? To enjoy his paternal property and perform his father's funeral obsequies Supposing a man has two wives,

one of whom has borne him a son, then that son is heir to all, and without her husband's consent it would not be proper for the wife to adopt another son, for the reason that the son who performs the obsequies of his father and his step mothers also, and enjoys the patrimony, he is master of all

12 All the wives of one man are of one flesh with him, so if one of them has a son, that son is on the footing of an adopted son to the remainder for this consideration the childless wives should not adopt any other son without the consent of their husband This is a true saying

13 There is another instance of the impropriety of a step-mother adopting a son If a man has two or three sons, and only one of them has a son, this son will render the other brothers also fathers by courtesy Thus has he spoken

14 According to this saying it would be proper to adopt the son of a brother, and therefore improper to pass over the son of a brother and adopt any other Thus is it laid down in the Mitayaskshura and Samotee Chundrooka Grunth From this it is deduced that as long as the husband lives his wife is not at liberty to adopt a son without his consent, but after his death it is proper she should do so, and the husband's permission is not requisite

15 That is, the death of her husband sanctifies the deed

16 Should a husband die without giving permission, his widow is not forbidden to adopt a son

17 These are both sayings of Menu, and are long established rules, therefore they are found in the Mitayaskshura Grunth

18 If a man or a woman dies without leaving any sons, who is the rightful claimant to his or her property? The writer has ascertained this first In the case of a Mantha's wife, if a woman dies without a son, who succeeds to her property? Her husband If she be a widow, the property descends to her Sokh's son (i.e., the son of her husband's other wife) In this manner, if a man has no wife, then his property will descend to his brother's son, and if he leaves a widow, then it does not descend to his brother's son, but to the widow Thus is it also laid down in the Mitayaskshura and other Grunths, the reasons are explained in those books

19 Thus it is laid down in many Grunths that a widow succeeds in the first place to her husband's property and wealth on these grounds after her husband's death there is no hindrance to her adopting a son without his permission, and this is a precept laid down in the Beohar Mayuk Grunth

20 When her husband is no more, the widow may adopt a son, or give one in adoption, and a man who has no wife may do the same, and if both are alive, then they should both take a part in the adoption, or giving in adoption On a married woman whose husband is alive his order is imperative On a widow it is incumbent to adopt a son, and without having received any command to the effect from her husband, consulting on the subject her relations and members of her own caste Thus a widow is at liberty to adopt a son without receiving an order to that effect from her husband, for so it is laid down in the Beohar Mayuk Grunth

Translation of texts from the Nirnee Sindhoo Grunth.

1. In the Nirnee Sindhoo Grunth it is written —A son adopted into another family may perform his real father's Sradh and inherit his property, provided he (the father) has no other son

2 Should any one say that Menu declares that an adopted son has no concern with his real father's family or property

3 Then I say that this declaration only applies if the real father has other sons

4 To this effect have Kayetace and Loga Kisee Kugeshur clearly spoken in the Purwur Mungaree Grunth

5 A Dut Pootur, i e, an adopted son, 2, Kureet Pootur, i e, a son purchased, 3, Kurreetureem Pootur, i e, a son adopted for love of money, 4, Pootureeka Pootur, i e, the son of a daughter given in marriage on condition that her first born son be given in adoption to her father these four are generically styled Doya Muweshace, that is, sons of two fathers

6 As happened in the family of Shoul and Sheeshur, Shoul was adopted into the family of Sheeshur, then his name became a compound

of both names. So has it happened in other families. In this way the names of both fathers survived. This result is thus explained.

7 When neither party (the real or adoptive father) have any other son by their own wives, the adopted son inherits the property of both, and may offer *pend* (funeral cakes) to the names of both lines of ancestors for three generations back. If either party has a son, this is not the case.

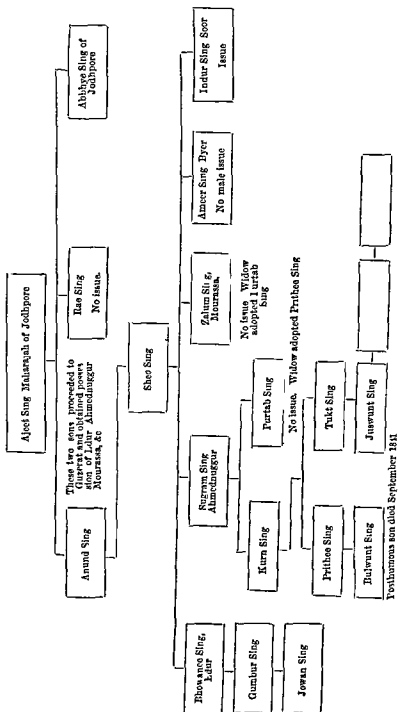
8 Should paternal uncle's son of the adopted claim the inheritance of the latter's real father, it cannot be allowed, for the paternal uncle's son was not born of a wife of the deceased, and above it has been explained that in case the real father has no other child by his wives, that his son who has been given in adoption succeeds to the property of the real as well as to that of the adoptive father.

9 For it is clear that a brother's son is not born from his brother's wife.

10 In the *Sapind Nirnee Purdeep Grunth* it is written that a *Soodh Duttuk*, namely, a son who has been given voluntarily in adoption by its father and mother, becomes thereby the *Sapind* (giver of funeral cakes) for *three* generations back in the family of his *adoptive* father, and for *seven* generations in the family of his *real* father. This is *Nund Pandit's* opinion. *Shankur Butt Pandit* says that he is the *Sapind* for seven generations in both families, and *Aub Deo Pandit* follows his opinion. In the *Gobind Warhan Grunth* it is written that he is *Sapind* in his *real* father's family for *seven* generations, and in that of his *adoptive* father for five. Another is of opinion that the rite is only to be exercised for three generations in both families.

11 Thus from the dicto of many *Grunths* it is clear that the adopted son has a closer relationship with the house of his real father than that of his adoptive, so it is proper he should inherit from both. Every one must abide by the *Shasters*, to contravene them is wrong. If any one says you have spoken contrary to the saying of *Munu*, he will be mistaken, for I allow that, when the real father has other sons, the *buchun* applies. There are many other authorities for an adopted son to inherit from his real father and perform his funeral rites, which are not mentioned here to avoid prolixity.

GENEALOGICAL TABLE of the Raitores settled in Guzerat in A D 1733



Posthumous son died September 1841

Note—Purtab Sing son of Sugram Sing was adopted by the widow of Zalum Sing of Mourassa in A D 1807. In 1816 Inder Sing claimed the reversion. In 1819 Purtab Sing was confirmed in possession; he died the same year. His widow adopted Prithsee Sing, who in 1833, on the death of his father, Kurn Sing, succeeded to the Ahmednugger patrimony without question.

From F CURRIE Esq, Secretary to the Government of India Foreign Department with the Governor General, to the Officiating Agent Rajpootana—No 213, dated Camp Ferozepore the 27th January 1846

WITH reference to your despatch, dated the 25th November, No 11, relative to the claim advanced by the Edur Duibar for the succession to the guddee of Ahmednuggur, I am directed by the Right Hon'ble the Governor General to call your attention to my letter of the 7th idem, No 192, on the subject

2 His Excellency will await the remarks of yourself and Mr Greathed and Maharajah Tukt Sing on the enclosures of the above-mentioned letter, which it is requested may be submitted with as little delay as possible, that the case, with all the information obtainable, may be brought before the Supreme Government for decision

From F CURRIE Esq, Secretary to the Government of India Foreign Department with the Governor General to the Chief Secretary to Government Bombay,—No 214 dated Camp Ferozepore the 27th January 1846

WITH reference to your despatch, dated the 26th September last, No 13, relative to the claim advanced by the Edur Durbir for the succession to the guddee of Ahmednuggur, I am directed to transmit, for the information of His Honor the Governor in Council, and for any

observations that His Honor in Council may, in communication with the local authorities, desire to offer on the question, the accompanying copy of correspondence* with the Officiating Agent at Rajpootana on the subject

* From Officiating Agent Rajpootana, No 41 dated 25th November 1845

To Officiating Agent Rajpootana, No 213 dated 27th January 1846

2 The Governor General desires me to observe, with reference to the remarks contained in paragraph 8 of your letter, that the Government of India has always entertained the desire to do justice to all parties in this case, and that it does not require the "inducement" referred to therein, or any other, to adjudicate justly between the parties

From MAJOR C THORPESBY Officiating Agent to the Governor General for the States of Rajpootana, to F CURRIE Esq Secretary to the Government of India Foreign Department with the Governor General—No 22 168 dated Ajmere, the 29th January 1846

WITH reference to your letter, No 192, of the 7th November last, I have the honour to state that its enclosure, copy of a despatch from the Chief Secretary to the Government of Bombay on the subject of the claim of Edur to the Ahmednuggur Principality, has been forwarded to the Political Agent at Jodhpore for such observations as that Officer or Maharajah Tukht Sing may desire to offer relative to the subject of the communication, and to transmit the accompanying copy of my letter to Mr Greathed on the occasion

From MAJOR C THORPESBY Officiating Agent to the Governor General for the States of Rajpootana to H H GREATHED Esq Political Agent Jodhpore—No 167 dated Ajmere the 28th January 1846

I HAVE the honour to transmit to you a copy of a letter from the Secretary to the Government of India with the Governor General, under date the 7th of November last, No 192, and its original enclosure, copy of a despatch from the Chief Secretary to the Government of Bombay on the subject of the claim preferred by the Edur Durbar to resume the Ahmednuggur Principality as a lapsed estate that should revert to the State from which it was originally separated This copy of despatch may be returned with any additional observations which you and His Highness Maharajah Tukht Sing may desire to make relative to the matter

2 You will notice the opinion expressed by Captain Lang, that the replies received from Oodeypore to the succession queries submitted to the Durbars, are more correct and more worthy of consideration than those which came from Jeypore But the two Durbars of Oodeypore and Jodhpore could not be unbiased in their decision upon the questions proposed, for the interests of both might be involved therein the former would naturally refer them (as did, indeed, the Political

Agent in Meywar,) to the claim which it had recently advanced in reference to the small States of Pertabghur and Doongurpore, and the latter would as naturally appropriate them to its own position in regard to Ahmednuggur. The replies, therefore, of these two Courts were reasonably open to suspicion, and were not, *prima facie*, to be viewed in the same light as those given by a party that was entirely uninterested in the result of the reference.

3 Now the second query and its answer seem to comprise the main gist of the matter at issue. The Oodeypore Durbar affirms that the forfeiture extends to the sons of a Chief who has been elected to the sovereignty of another State, and that they must give up all claim to succeed to the parental estate, whereas the reply of the Jeypore Durbar is to the effect that the rights of the sons are not necessarily alienated by the act of the father.

4 In the absence of a precise rule that can be quoted from the Dhurm Shaster, or found in the general and accepted practice of Hindoo communities or States, the latter doctrine would appear to be the most sound, and to have more cogent inferential support than the former. The rights of sons are held to be born with them and to co exist with that of the father, in such manner as not to admit of being set aside by him without their concurrence, and any event or act which deprives him of possession calls their rights into full action. Should he become *Putit*, or an outcast, or resign or forego his possessory title in any way, they immediately assume his place and the reason why the case of a father's abdication by proceeding, on invitation, to take upon himself the sovereignty of a foreign State should be excluded from this rule is, to say the least, very far from being apparent, and the position seems to require the express confirmation of authority.

5 But, setting aside the question of the relative merits of the responses given by the several Durbars, the points for consideration would now seem to be, whether Juswant Sing was or was not adopted by the Rance in the first instance? *2ndly*, if he was not, does he not then naturally and legally step into the place of his father on the abdicatory act of the latter? And *3rdly*, supposing him to be in rightful

possession, can he in either of the aforesaid circumstances resign his right in favour of a younger brother, whose mother was many months pregnant of him at Ahmednuggur, but who was not born till after her arrival at Jodhpore?

FROM LIEUTENANT COLONEL J SUTHERLAND Agent to the Governor General for the States of Rajpootana to W EDWARDS Esq Under Secretary to the Government of India Foreign Department with the Governor General—
No 81 578 dated Camp Ulwur the 2nd May 1846

I HAD some time since the honour to receive your letter, No 710, dated the 15th ultimo, calling my attention to an unanswered letter of 27th January last to Major Lhoesby's address regarding the claim of the *Lah Dumar* to the principality of *Ahmednuggur*

2 I am here without many of the documents which are necessary to form a conclusive opinion on the subject, particularly an extract
No 13 of 21st September 1845 from a letter from the Hon'ble the Court of Directors and a letter from the Chief Secretary to the Government of Bombay, both of which appear to have been sent in original to the Political Agent in Marwar But I have discussed the question with the Valcel and one of the principal Chiefs of MARWA, with the Maharaja Rajah of Ulwur, and with many intelligent Rajpoot Chiefs, and I am unwilling further to withhold my opinion, reserving myself for a fuller Report on the subject after discussing it more fully with Native Chiefs and getting hold of all the despatches, for it is one of first rate importance in as far as establishing a precedent under our supremacy

3 Maharajah Tukht Sing succeeded to the sovereignty of Marwar by election just before I left Rajpootana He was travelling from Ahmednuggur to Jodhpore, when I was travelling from Ajmere to Cambay But I was not at that time strong enough to bear the fatigue of going out of my way to meet His Highness, and was not fortunate enough to see him, my impression then was that his son, Juswunt Sing, was accompanying the Maharajah for the purpose of being adopted by the widow of Maharajah Maun Sing, since Tukht Sing was himself too

old to undergo that rite. It is, of course, a question whether Juswunt Sing could have proceeded to Jodhpore to be adopted into that house in 1813, since he had been adopted in 1810 into the Ahmednuggur succession by his uncle's (Rajah Prithce Sing's) widow, for Tukht Sing himself appears to have been only Regent of Ahmednuggur.

4. Since Juswunt Sing did not accompany his father to Jodhpore, but remained at Ahmednuggur in virtue of his adoption, and remains there still, there is no doubt on the mind of any person in these parts with whom I have spoken on the subject that he is virtually Sovereign of Ahmednuggur through adoption by his uncle's widow and Regent in succession to his father. A copy of this letter will be sent for Mr. Greathed's information.

From W EDWARDS, Esq., Under-Secretary to the Government of India, Foreign Department, with the Governor General, to the Agent to the Governor General, Rajpootana,—No 1063, dated Simla, the 20th May 1816

I HAVE the honour to acknowledge the receipt of your letter, dated the 2nd instant, No 81, regarding the claim of the Edur Durbar to the principality of Ahmednuggur.

2. In reply, I am desired to state that the Governor General would wish to have from you a full and final Report on this subject at the earliest convenient period, as it is very desirable that this long-pending question should be decided without further delay.

3 There is much correspondence on the subject with which you would seem not to have been acquainted when you wrote your letter under acknowledgment. The fact of the adoption of Juswunt Sing, which you refer to, is distinctly denied by the Bombay Government.

From LIEUTENANT COLONEL J. SUTHERLAND, Agent to the Governor General for the States of Rajpootana, to F CURRIE, Esq., Secretary to the Government of India, Foreign Department, with the Governor General,—No 90 632, dated Camp Jeypore, the 16th May 1816

IN continuation of my letter, No 81, dated the 2nd instant, to Mr. Edwards's address, on the subject of the claim made by the Edur

Chief to the succession to Ahmednuggur, I have the honour to submit a copy of a letter from Mr Greathed, the Political Agent in Marwar (with copies of enclosures), No 38, dated the 6th instant, but only received yesterday I have received with Mr Greathed's letter the extracts from the despatch from the Hon'ble the Court of Directors, dated the 19th March, No 9 of 1844, and the letter from the Bombay Government, No 13, of 26th September 1845, which were wanting when my letter of the 2nd instant was written

2 The testimony of Maharajah Tukt Sing and the reasoning of Mr Greathed are quite conclusive to my mind that His Highness is innocent of the fraud which it has been attempted to fix upon him of past dating the deed of adoption, which, I think, there can be no doubt was executed, on the death of his brother, Prithoe Sing, by his widow, in conformity with the declared wish of her husband Whatever may have been informal in that instrument appears to have undergone correction on the eve of the Maharajah's departure for Jodhpore, but that cannot be held, in any degree, to invalidate the act of adoption, nor would it, I believe, be invalid had there been no written instrument, for there the child is still in the arms of the widow of Prithoe Sing

3 But had there been no adoption up to the period of the Maharajah's election to fill the throne of Marwar, I should still consider that it would be in consonance with Rhatore usage for the widow of Prithoe Sing, on the abdication of her husband's brother, to adopt a member of their family, and so preserve the independence of their house to the exclusion of the house of Edur

4 It appears to me doubtful, as advocated in the last (8th) paragraph of Mr Greathed's letter, whether the Maharajah could call his eldest son to Jodhpore as heir apparent, and whether a younger son could be adopted into the Ahmednuggur House whilst the eldest and adopted son is alive But even to this measure I should see but little objection if it were agreeable to those interested in the matter at Jodhpore and Ahmednuggur, and of this Edur would, I think, have no right to complain, since the succession has already passed away from that house

5 I do not apprehend any evil consequence to the well-being of the Mahce Kanta from a son of the Sovereign of Marwar being in

possession of Ahmednuggur The Maharajah says in the 18th paragraph of his note that he does not desire that Ahmednuggur should be attached to Jodhpore, and I should look to good rather than evil consequences from any interest which he may continue to take in the inferior Chiefship But should it hereafter become a dependency on Jodhpore, I do not see why it should not be governed under one supremacy, as harmoniously as if it were a dependency on Edur

6 A copy of this letter will be sent for Mr Greathed's information

From H. H. GREATHED, Esq, Political Agent Jodhpore to LIEUTENANT COLONEL J SUTHERLAND Agent to the Governor General for the States of Rajpootana—No 38 dated the 6th May 1846

I HAVE the honour to submit the supplement to my Report on the Ahmednuggur question, No 118, of the 21th October last, called for by the receipt of Major Thoresby's letter, No 167, of the 25th January, which enclosed a copy of a despatch from the Chief Secretary to the Government of Bombay, accompanied by a copy of a Report written by Captain Lang, Political Agent in the Mahee Kantr, on the 20th June 1845

2. For the reasons stated in the 17th and 19th paragraphs of my Report of the 24th October, I refrained on that occasion from calling on Maharajah Tukt Sing to defend himself against the grave imputation cast on his character by Captain Lang of having fabricated a deed of adoption with the view of defrauding the Edur Chief, and purposely confined the discussion to the simple merits of the question at issue But as Captain Lang has repeated this serious charge in the Report of the 20th June, and has adduced arguments in support, which have led the Hon'ble the Governor in Council of Bombay to consider the Maharajah as convicted of the crime, I considered it indispensable to afford His Highness every facility in defending himself against this humiliating charge, feeling assured that, although judgment had been passed by such high authority, it would be cheerfully withdrawn if the accused succeeded in exculpatng himself from an accusation to which he had hitherto had no opportunity of replying

3 With this view I embodied in a note to the Agency Vakeel, of which a translation is appended, the proofs advanced by Captain Ling to substantiate the falsification of the deed, adding such other extracts from the Report as appeared to require explanation or comment. I annex a copy and translation of the reply given in by the Vakeel on the part of the Maharajah.

4 This latter document, in my humble opinion, affords a fair insight into the true nature of the transactions attending the succession to the Ahmednuggur throne after the death of Bulwant Sing, the posthumous son of Maharajah Prithi Singh, and I may be allowed to record the impression it has left upon my mind. That Maharajah Tukht Singh inherited the throne after the death of his nephew there can, I think, be no doubt. He says himself, in the 9th paragraph of his reply, that he made over Koor Juswant Sing, together with all possessions and resources, to his sister-in-law. The reasons which induced him to make this self sacrifice are fully explained, but it was a sacrifice more in appearance than reality, for, by the manner in which it was effected, he did not endanger his own life interest, while sufficient was done to gratify the wishes of his sister in law. The adoption was a family arrangement, which could not have been enforced to the detriment of Maharajah Tukht Singh, and would probably never have been heard of by us officially, but for his accession to Jodhpore. To all intents and purposes he would have remained Sovereign, though he might have continued to abstain from certain ostensible marks of sovereignty, the absence of which appear to me to corroborate the existence of the deed of adoption. He appears to have eschewed a formal recognition on the part of the British Government, a guarantee usually so much insisted upon, and to have refrained from allowing a seal of Office to be engraved in his own name continuing to use that of his late brother, and to have avoided the application of the Raj Tiluck, or ceremony of inauguration.

5 This explanation, I am aware, supposes a certain degree of duplicity on the part of the Maharajah, but it is of a nature the most innocent and excusable. This duplicity will relieve the Maharajah from all suicidal imputations, and account for a certain degree of mystery with which his declarations are still clouded.

6 The great length to which this correspondence has already extended deters me from entering again at large on the subject of the disposal of Ahmednuggur consequent on the Maharajah's accession to Jodhpore. It will be sufficient for me to state that a full consideration of the constitution of these Guzerat Rahtore States and of precedents which may be cited from their annals leads me to the conclusion that Edur has no reversionary claims on Ahmednuggur. This point has been twice tested in the case of the Mourassa branch of the family, which has twice become extinct, and twice been revived by the process of adoption, the reversionary claims urged by Edur on both occasions being disallowed by the united British and Gaekwar Government. Consequently, had Maharajah Tukht Sing and his son been swept away by death, Ahmednuggur would not have lapsed to Edur, but the existence of his house would have been carried on by adoption.

7 It remains to be considered whether his mere accession to another throne should have a more destructive effect on the existence of his house than the annihilation of himself and of his sons could have caused.

8 If this point be conceded to the Maharajah, I conceive that little objection could be urged to the settlement he himself proposed in the concluding portion of the khureeta which accompanied my Report of the 24th October, viz, that his elder son, Juswunt, should join him at Jodhpore as his heir apparent, and a younger son be given in his stead in adoption to the widows of Maharajah Pritheo Sing for the purpose of ruling over Ahmednuggur.

N B—I herewith return the enclosures received with Major Thoresby's letter of the 28th January

Translation of a note from the Political Agent, to the Jodhpore Vakeel—dated the 7th March 1846

I HAVE received a copy of Captain Lang's Report on the claim preferred by the Edur Chief to the sovereignty of Ahmednuggur, dated 20th June 1845, enclosed in a letter from Major Thoresby, and communicate extracts for your information

Extract 1st —In reply to the query of the Supreme Government, whether Maharajah Tukt Sing became Ruler of Ahmednuggur, or merely Regent on the part of Juswunt Sing, after the demise of Bulwunt Sing, Captain Lang has stated that he wrote on the 31d October 1841 to the Bombay Government to the effect "that Maharajah Bulwunt Sing died on the 28th September, intelligence of this event has been received from Maharajah Tukt Sing, the uncle of the deceased, who has become Sovereign of Ahmednuggur " and that, in reply to this letter, he received a communication from Bombay dated the 8th November 1841 declaring that the Governor in Council had been pleased to approve of Maharajah Tukt Sing, the uncle of the deceased, being placed on the throne by Captain Lang

Extract 2nd —Juswunt Sing was adopted by the widow of Prithwee Singjee, Asouj Bud Igarus Sumbut 1899 (Guzerattee Calendar), corresponding with the 19th October 1843 that is to say, one day before the departure of Maharajah Tukt Sing for Jodhpore, consequently, the deed of adoption, of which the date is Asouj Bud Terus Sumbut 1897, cannot be considered valid The reasons which led Captain Lang to arrive at the foregoing conclusion are as follows —

Paragraph 1st —That he was not apprised of the giving in adoption previous to the departure of Maharajah Tukt Sing for Jodhpore

Paragraph 2nd —That in the copy of the deed of adoption presented by the Vakeel of Juswunt Sing at Bombay, after the date and year, the word " War " (day) is written succeeded by a blank, the name of the day being omitted Now in such an important matter it was necessary to insert the name of the day, and undoubtedly it would have been inserted had the document been written at the time purported, and the word " War " would not alone have appeared, rendering the document doubtful

Paragraph 3rd —In Sumbut 1897 there were two months of Asouj, Bulwunt Sing died on the Prithum Asouj Bud Terus so the deed of adoption should have been dated either *Prithum* Asouj Bud Terus, or *Dootee* Asouj Bud Terus It is impossible in such an important affair,

if the adoption had really taken place at the time purported, that such a mistake should have occurred (leaving out the distinctive name of the month), rendering the actual date doubtful by a month

Paragraph 4th —The Karkoon deputed at the request of Colonel Sutherland to accompany Maharajah Tukt Sing from Ahmednuggur to Pahlunpore on arriving at Ahmednuggur found that the Maharajah had started, and wrote to the following effect to Captain Lang on the 21st October 1843 —“The Maharajah has departed alone, the ladies of the Zenanah have not accompanied him The Koor Sahib, Juswunt Sing, is here, and on the night of the 19th he was adopted by the Rancee of Prithee Sing, and has been appointed the Ruler of this place, and mutual agreements to this effect have been interchanged bearing the signature of Maharajah Tukt Sing, the Sirdar Puttawuts, and others, so I have heard The Bhabeejee signs all papers, and it appears that the management of affairs has been committed to the Dessace, who told me that he had remained behind by order of the Maharajah to manage the country ”

Paragraph 5th —The drawing out of the deed of adoption at the time of Maharajah Tukt Sing's departure is notorious If the witnesses to the deed be examined, doubtless they would depose to this effect

Extract 3rd —The replies received from the various Durbars of Rajpootana to queries concerning the matter of adoption, with the exception from that of Jodhpore, all agree in this respect, that if a Ruler (Races) is adopted into another State, it is incumbent on him to resign his former possessions, and many are of opinion that the son should accompany the father to the new State, and also resign all claim to the former possessions, but if he remains behind, then he forfeits all claim to the new State and, under these circumstances, the nearest relation would succeed, for in Ldur and Ahmednuggur there are no Sirdar Puttawuts of sufficient importance to exercise the right of electing a new Ruler moreover, the practice of election is unknown in the Mahce Kanta and Katty war

Extract 4th —Maharajah Tukt Sing himself expected to obtain

vide paragraph 20

possession of Ldur in case Maharajah Jowan Sing had proceeded to Jodhpore, so how can

he consider the claim of Pdur upon Ahmednuggur to be invalid?

Extract 5th —In the Edur family the widows of Maharajah Jowan Sing's elder brother are in existence Now if, previous to the death of Maharajah Maun Sing, Jowan Sing and his mother had departed this life, these widows would not have been permitted to adopt any one to the detriment of Ahmednuggur, the next of Lin, and there is no difference in the position of the widowed sisters in-law of Jowan Sing and that of the widowed sister in law of Prithee Sing Moreover, it is proved that on the death of Bulwunt Sing Maharajah Tukt Sing ruled over Ahmednuggur for two years, that is to say, up to the time of his departure for Jodhpore, in conformity with the sanction of the British Government Now, upon his assuming the sovereignty, the claims of the widow of Prithee Sing became extinguished, and cannot be revived to set aside the just rights of the real heir and successor, the Chief of Edur

Extract 6th —In former times, that is to say, previous to the assignment of Ahmednuggur to Maharajah Sugram Sing, Ahmednuggur and Edur formed one State, but at no time have Edur or Ahmednuggur been attached to Jodhpore, and if Ahmednuggur should now be attached to Jodhpore, the well being of the Mahee Kanta would be endangered

As it is desirable that the foregoing arguments should be replied to, the Marwar Vakeel is requested to represent the matter to His Highness the Maharajah, and to return categorical answers

Translation of a note from RADHALAUL, Jodhpore Vakeel to H H GREATHED, Esq., Political Agent —dated the 1st May 1846

Your note of the 7th March has been received

2 In the first extract you mention that an enquiry was made by the Sudder whether Maharajah Tukt Sing became the Ruler of Ahmednuggur after the death of Bulwunt Sing, or only Regent on the part of Juswunt Sing, and that Captain Lang has written in reply that on the 28th September 1841 Maharajah Bulwunt Sing, the Ruler of Ahmednuggur, died,

Recapitulation

and information was given to me of this event by the uncle of the deceased, Maharajah Tukht Sing, who has now become the Ruler of Ahmednuggur, that, in reply, a letter was received from Bombay dated 8th November 1841 intimating the sanction of the Governor in Council to the elevation of Maharajah Tukht Sing, the uncle of the deceased, to the throne

3 The Maharajah confined his communications on this subject to

Reply a report of the death of Maharajah Bulwunt Sing, and never wrote that either he him-

self or (his son) Juswunt Sing had thereby become Ruler If the Hon'ble the Governor in Council was so kind as to convey his consent to the measure, the Maharajah does not comprehend why, notwithstanding this extreme condescension on the part of the Hon'ble the Governor, up to this day no written communication on this subject has reached him Had such a document been received, the reigning Chief of Ahmednuggur would have apprised the Hon'ble the Governor of the actual position of affairs, and this reply would have proved a happy solution and a clear exposition of the real merits of this unpleasant controversy As it is, the Maharajah leaves the unravelling of this intricate knot to the clear sightedness and the just views of the Supreme Government in the expectation of receiving justice at their hands

Reply to Extract 2

4 I proceed to reply to the four arguments adduced by Captain Lang to vitiate the deed of adoption

1st—He asserts that up to the time of Maharajah Tukht Sing's departure for Jodhpore he was altogether

Recapitulation unacquainted with the matter He may,

perhaps, recollect that, on the occasion of his visit to Ahmednuggur to condole on the death of Maharajah Prithvi Sing after going through the forms, he said to Maharajah Tukht Sing, "Who will now be the Ruler of Ahmednuggur?" for although it is scarcely likely, still, perhaps, the Edur Chief may out of enmity lay a claim if the throne remains empty" The Maharajah replied—"It is

Reply not proper to talk on this subject just now,

for, in the first place, there is hope in the pregnancy" (which gave birth

subsequently to Bulwant Sing), "and should that hope be disappointed the birth of a daughter, without doubt Koor Juswant Sing is ready to be adopted by the Bhabee Sahiba (the widow of Prithee Sing) "

5 Secondly, with reference to Captain Lang's second and third

Recapitulation

arguments, namely, that in the deed of adoption presented at Bombay by the Vakeel of

Juswant Sing, after the date and year the word " War" is written and a blank is left by the writer, which has not been filled up with the name of the day, while in such an important matter it was proper to insert the name of the day, which would, without doubt, have been inserted had the deed been written at the time purported Be good enough to reflect

Reply

that the insertion of the name of the day is of assistance in reckoning in trifling

matters, which run their course within the space of the current week, not in important affairs, the beginning and end of which are not fixed, that is to say, which may become subjects of reference after a considerable period The insertion or non insertion of the name of the day is of so little consequence as to be a matter of perfect indifference For instance, in drawing up Treaties, Agreements, and other important documents, while the date and year are of the utmost importance, the name of the day of the week would be of no weight or authority, and would be found useless in computing time If you will have the kindness to inspect the Treaty in your Office, you will find that the name of the day of the week is wanting Now is this an important or unimportant document? And if in such an important document, drawn up and written by intelligent men and able and quick sighted writers, and often passed in review by intellectual Princes, the name of the day is found to have been omitted by mistake, neglect, or carelessness, is it a matter of surprise if the same omission occurs in the writing of a woman, who is not gifted with a knowledge of the forms of correspondence, more especially of a woman situated like the Bhabee Sahiba, who had been deprived of the very consciousness of existence by the overpowering grief of successively losing her husband and son, by whose deaths all her pleasure in the present and hope for the future had been destroyed at a blow? How could it be expected from a person so afflicted, a woman too, and a woman, moreover, of Royal condition, incapable of

distinguishing the east from the west, that attention should be paid

Reply to paragraph 3rd extract 2nd to style and construction, or to the forms and rules of composition? What wonder, then, if the distinctive appellations of the months of Asouj were also disregarded?

6 In reference to the above, I may observe that in the archives of the Princes of Hindostan documents are frequently to be met with of which it would be difficult to understand the beginning or to guess at the termination, though, to be sure, the people of this country are beginning to appreciate the method and regularity with which business is transacted by the British Government, and to understand the rules of proofs and argument. But as an instance in point. In this very Marwar, among the public servants who enjoy grants of land and villages, some have deeds and documents, while many have not so much as a slip of paper to support their titles, so, setting aside the consideration of days, months, and dates, suppose the very Sunnud on which their maintenance depends be lost, or not in existence. If rights are to be disregarded and forms only to be considered, please to reflect what this attention to forms would require. Why? the disregard and destruction of rights and old-established claims.

7 Adapting the argument to a deed of adoption drawn up by the Bhabee Sahibah with her own hand for her own solace and consolation, suppose the deed executed with the utmost precision, carefully attested and dated, still, notwithstanding all this attention to form, as long as the right (to execute the document) giving weight and credit to the contents were not proved, of what use or advantage would be the deed? The conclusion, then, to be drawn is, that the right is the real question to be considered.

8 Setting aside the consideration of mistake in the day and month, suppose the deed of adoption did not exist at all,—what? would the right to an actual possession be forfeited because no deed of adoption was forthcoming or because the Maharajah had acceded to the sovereignty of Jodhpore? Now, suppose, for the sake of argument, that Jodhpore, which in reality is a more valuable possession than Ahmednuggur, happened to be of an inferior order and less valuable, and

Ahmednuggur had to be given up for Jodhpore, can you believe that the Maharajah, or any one else having a lien on the sovereignty, would be content to abandon the greater for the lesser? For such reasons, since it would be unjust to expect any one to give up the greater sovereignty on lawfully succeeding to the lesser, why, on succeeding to the greater, should his right to the lesser, which is his by possession and inheritance, be set aside?

9 But I must beg you to reflect that the very arguments (*viz*, incompleteness and incorrectness,) by which Captain Lang seeks to vitiate the deed of adoption are themselves the most convincing proofs which could be adduced in support of it, that is to say, they are evidence to the fact of the deed having been written by the Bhabee Sahibah herself in the midst of her anguish and tribulation, when oppressed and distracted with grief, for the wound inflicted by her husband's death was still fresh when she lost her son, and such a host of sorrows had encompassed the unfortunate lady, that her existence was only manifested by her lamentations, and no hope of her surviving appeared to remain. It was at that moment that the Maharajah, in the exercise of his wisdom and mercy perceived the only possible way of saving her life and prolonging her existence so, shelving all worldly and personal consideration, he made over Koor Juswunt Sing, at that time his only son together with all his possessions and resources, to his sister in law, who for her own satisfaction wrote with her own hand a deed of adoption, little regarding, in the depth of her affliction, form in the composition of the document. And while the Maharajah only looked on the act as the saving of his sister's life, was it to be expected that the writer should pay much attention to forms? And who could have been so hard hearted, in the midst of woe and affliction, as to urge rections in her style?

10 Moreover, considering that, first of all, it was altogether a family arrangement, in which no third party had concern, *2ndly*, that it was entered into to save the life of the unfortunate Bhabee Sahibah, *3rdly*, that it awarded the sovereignty to his own son, than whom no one could be nearer by blood or law, *4thly*, that it was agreeable to the spirit of the lamented Prithce Sing and an act of obedience to his last

testament, which of all acts is the more commendable and productive of advantage in this world and the next, what right has any one to criticize its contents? May God only dispose every one to similar conduct

11 But desire is evinced to weaken the arguments which directly prove the writing of the document at the time purported and the distracted state of mind of the writer, and it does not appear to have occurred to Captain Lang that if the deed had been drawn out at the time of Maharajah Tukt Sing's departure for Jodhpore, which was a time of relaxation from care, notwithstanding much was not to be expected even at that time from a defectively educated woman, still some approach to correctness in its execution might have been attained

12 In regard to the blank left for the insertion of the name of the day, more especially after writing the word "War," which omission would instantly be perceived by any one inspecting the document, and, indeed, has proved the source of Captain Lang's suspicions and cavilling, the subsequent insertion of the name would have been a matter of small difficulty, but as the interpolation of a document is considered by us a grave offence, the imperfect document was purposely sent in its original state to the Government

13 As to the testamentary behests of Maharajah Prithce Sing, Captain Lang must be well aware that on his death bed the Maharajah said to his Ranee, the Bhabee Sahibah, that if the expectation of her pregnancy were disappointed, she was certainly to adopt Jussunt Sing. The British Government is noted for justice, we are confident that it will discern the true merits of this case with all impartiality

14 In regard to the statements of Captain Lang's Karkoon, contained in the 4th extract, the Maharajah
 Reply to paragraph 4th, extract 2nd is unable to judge whether they are his own invention, or made at the suggestion of some interested person, or the result of misapprehension on his part of the deed having been written on that day, consequent of some
 Reply to paragraph 5th extract 2nd additional attestations having been added to the document on the eve of the Maharajah's departure. The Maharajah is satisfied that if the witnesses to the deed be examined, they will speak out truthfully, and that the Princes of Rajpootana, after having made

themselves acquainted with the customs and usages of the Maharajah's family, would unanimously declare that there was nothing inconsistent or unusual in the document

Reply to Extract 3

15 Captain Lang has stated in the 3rd extract that if a Ruler of one State is adopted into another, he must forfeit his original possession. An answer to this statement, together with quotation from the Dhurm Shasters, will be found in the Maharajah's khureeta of the 24th October 1845, which, to avoid prolixity, will not be repeated here

Reply to Extract 4

16 Captain Lang writes that as Maharajah Tukt Sing himself expected to obtain Ldur in event of Jowan Sing's succeeding to Jodhpore, how can he consider the claim of Ldur to Ahmednuggur invalid? Further, that after the demise of Bulwunt Sing, Maharajah Tukt Sing ruled in person over Ahmednuggur with the sanction of the British Government for the space of two years, that is, up to the time of his departure for Jodhpore, and that, as a necessary consequence on his elevation to the throne, the claim of the widow of Prithee Sing was extinguished. On neither of these subjects, that is, neither on his own elevation to the Ahmednuggur throne, nor on his claim to Ldur, did the Maharajah ever address Captain Lang, nor did he direct any one else (to do so). So, why does this gentleman write on subjects which are still wrapped up in the Maharajah's breast? In his heart, perhaps, the Maharajah aspires to universal empire, but how could such an aspiration find its way into an official document?

Recapitulation of extract 4
Recapitulation of paragraph 2nd extract 5

Reply

Reply to Extract 5

17 In regard to the assertion that there is no difference in the position of the widows of the elder brother of Maharajah Tukt Sing, only candidly consider and see what a marked difference exists. For Oomeid Sing (the elder brother of Jowan Sing) never sat on the throne, and died during

Reply

the life-time of his father without succeeding to what would have been his inheritance, consequently, if his widows adopt any one, the adopted child could not succeed to the throne .

Reply to Extract 6

18 In regard to what is said of the danger which threatens the well being of the Mahee Kanta, the Maharajah never requested that Ahmednuggur should be attached to Jodhpore, as it is now, so let it remain, so why should the well-being of the Mahee Kanta be disturbed?

Conclusion

19 The implicit confidence felt in the equity and wisdom of the British Government assures that, *firstly*, from regard to the old established relations of friendship and amity and the justice of the cause of the Maharajah and his children, *secondly*, on the grounds that the right and title to a former possession on inheritance from his ancestors are not invalidated by the lawful acquisition of a new territory, but continues to him in full force, which principle has been clearly demonstrated in his former communications, the British Government will with discrimination arrive at a just conclusion

FROM LIEUTENANT COLONEL J SUTHERLAND Agent to the Governor General for the States of Rajpootana to W EDWARDS Esq., Under Secretary to the Government of India Foreign Department with the Governor General — No 103 742, dated Camp Jeypore, the 10th June 1846

I HAVE had the honour to receive your letter, No 115S, dated 30th ultimo, requiring me to furnish a final Report noticing the several points dwelt on by the Bombay Government and the authorities who advocate the Edur claim (to succession to Ahmednuggur)

2 I have already said in my letter, No 90, dated the 16th ultimo, that the testimony of Maharajah Tukht Sing and the reasoning of Mr Grathed left no doubt on my mind that Ju wunt Sing was adopted by the widow of Rajah Prithce Sing, the brother of Maharajah Tukht Sing,

and that there could be no doubt of the validity of the adoption since the child is still at Ahmednuggur in the arms of his adoptive mother

3 I shall now further proceed, as commanded, to notice the several points dwelt upon by the Bombay Government in Mr Chief Secretary Willoughby's letter, No 13, dated 26th September last, to your address, and the letter from Captain Lang, the Political Agent in the Mithce Kanta, No 325, dated the 20th June 1845, both of which were before me when my letter of 16th ultimo was written

4 In the 1st and 2nd paragraphs of Mr Willoughby's letter it is supposed that Juswunt Sing was elected heir apparent to the throne of Marwar, and thereby forfeited the right to retain Ahmednuggur I was myself, until my return to Rappootanr, under the impression that Juswunt Sing had accompanied his father for the purpose of being adopted by the widow of Maharajah Maun Sing, since the father was too old to be adopted, and in that case the father would have been Regent only of the principality during the minority of his son, as he appears to have been of the Chiefship of Ahmednuggur from the period of his brother's death and his son's adoption But since the son did not accompany his father, and remained at Ahmednuggur as the adopted son of the widow of the last Sovereign, there was, of course, no forfeiture

5 If, as is supposed in the 6th paragraph of Mr Willoughby's letter, Maharajah Tukt Sing had been concerned in the fraudulent transaction of "antedating" the deed of adoption, this would, doubtless, be considered a transaction so discreditable as to render him unworthy of the throne of Marwar But I am of opinion that it was quite competent for Prithce Sing's widow to adopt Juswunt Sing on the eve of his father's departure for Marwar in 1843 as on the death of her husband in 1840, and it has, I think, been clearly proved that the adoption took place at the former and not at the latter period, and that the Maharajah stands, consequently, clear of any fraudulent act

6 There does not appear to be anything peculiar in the circumstances under which Ahmednuggur was separated from Idur by being assigned as a provision for a younger son, although such a provision

would, in the present day, or for many generations past, be unusual in any of the principal sovereign houses of Rajpootana. But the provision and separation once made, it is competent for the junior house to continue it by adopting junior members of the same house, and thus preventing its absorption in the senior family. The only exception that I know to this usage among Rajpoots is that which prevails among the inferior Chiefs of Shekawatee, who are governed by usages peculiar to themselves, and amongst whom adoption cannot take place, in order apparently, that there may not be too great a division of landed property, or in order to counteract a law or a usage which prevails among them, and them only, which assigns to all the sons of a family an equal share of their father's land. This is the principal reason why so few Chiefs or Rulers of tribes remain among the Shekarut Rajpoots, and why there are such constant dissensions and civil wars in that region especially when Jerpore, the Lord Paramount over all, is not powerful enough to perform her duty of supremacy.

dated 12th November 1843, to Mr. Secretary Thomason's address. The Hon'ble the Governor in Council considers the election of Maharajah Tukht Sing to be, however, a final measure; and on this I may observe that all the claimants were in our estimation equal, except, perhaps, the pretender, Dholkul Sing, whose election could hardly have failed to have produced future anarchy in Marwar. I need hardly say here that the Chiefs of the State possess 40 lakhs of the 60 of land revenue, and the mode in which they carried through their election, the peaceable manner in which the Maharajah ascended the throne, and the harmonious manner in which the administration has been conducted, afford a fine specimen of the advantage of allowing the Chiefs of a feudal sovereignty of the first magnitude to carry out affairs of the first importance, and in the right adjustment of which they are, at least, as much interested as the British Government. Had there been no adoption at Ahmednuggur, the same form of election might have been had recourse to, I think, with great advantage, for although the Chiefs and Officers of that petty State are, of course, immeasurably inferior in rank and station to those of Marwar, still there is a brotherhood, who would, doubtless (if left to themselves, or only aided, when aid is required, from our local Officers), have carried through their election satisfactorily. The sympathy which is expressed in behalf of the young Chief of Jodur, it is always, I would venture to say, dangerous for the British Government or its Officers to entertain in matters of this kind.

8. The 9th and 10th paragraphs of Mr. Willoughby's letter discuss the merits of the replies received to the queries put to the Courts of Oodeypore, Jodhpore, and Jeypore, relating to the Jodhpore succession

place of residence in the Jhujar Territory, and entered Rajpootana to lay his claim to succession before the British Government (he visited me at Ajmere). The widows, the Chiefs, and the Officers of the State, entitled to vote on so important a question, continued unite ly to apply themselves, in communication with Captain Ludlow, to the election of their future Sovereign, and eventually a deputation was sent with letters and petitions from all parties to Ahmednuggur to invite Rajah Tukht Sing to proceed to Jodhpore and take upon himself the sovereign authority over Marwar, bringing with him his son as heir apparent. Maharajah Tukht Sing, accompanied by the deputation and by the Chiefs of the State who went forward to meet His Highness on the frontier, proceeded accordingly to Jodhpore, where he arrived on the 25th of last month, and on the following evening at sunset, that being considered an auspicious period, ascended the musnad of Marwar.

Very little importance, I am of opinion, can be attached to testimony of this kind, for in their replies the several Courts are, doubtless, liable to be influenced by occurrences which have taken place, or which they may suppose likely to take place, in their own line of succession and amongst the Rajpoots generally precedents wide as the Poles asunder will be found for almost every conceivable case in matters of succession and inheritance. Such references are, I think, more interesting than likely to be useful, as showing us what such authorities will say on such subjects and in leading them to discuss such questions.

9 The 11th and 12th paragraphs of Mr Willoughby's letter, referring to the 15th paragraph of Captain Lang's and to Hindoo Law, discuss the question "whether, according to Hindoo Law, a person being adopted into a superior property, is, or is not, bound to relinquish all claim to his original patrimony? And whether, in the event of the said person having a son born to him prior to such adoption, the son is, or is not, bound to follow his father's new fortune, or can remain behind to inherit the new patrimony?" It is afterwards stated that according to Hindoo Law Tukt Sing's adoption could not be upheld, since the party adopted must not be beyond a certain age, or himself a father. There is much, it will be observed, in these quotations not relevant to the question under review, for it was never, of course, intended that Tukt Sing, a person of mature age and the father of a family, should be adopted by the widow of Maun Sing, and it is now well established that his son, Juswunt Sing, remained behind to succeed to his father's patrimony in virtue of his adoption by the widow of its last Chief, the elder brother of his father. It would, I think, be dangerous to discuss or settle such questions according to Hindoo Law, and the Hon'ble the Governor "does not regard this to be altogether a legal question." I am not aware of any question of succession to a principality being settled by either Hindoo or Mahomedan Law, for if this practice prevailed, there would necessarily be that division of property among the sons which the law prescribes, and both Hindoo and Mahomedan principalities would soon cease to be substantive powers. But if the present question were to be ruled by Hindoo Law, Juswunt Sing would not forfeit his natural rights, since he is not the son of an adopted father, and

himself inherits his father's original rights through his adoption by the widow of his father's brother

10 The 13th paragraph of Mr Willoughby's letter, referring to the 16th and 18th paragraphs of Captain Lang's, and to the opinions given by Oodeypore, Jeypore, Jodhpore, Boondee, and Bickaneer to queries put to them on a former occasion relating to election and succession, goes on to argue that Tukt Sing, by his election to the sovereignty of Marwar, forfeited his right to Ahmednuggur, and that his then only son, Juswunt Sing, from having been invited by the party which elected his father to accompany him as his heir apparent, forfeited his claim to that Chiefship also. It can hardly be meant that the mere invitation involved the penalty of forfeiture of claim, since he did not accept it, but remained at Ahmednuggur

11 It is said in the 14th paragraph that under the Bombay Government succession to Rajpoot estates is regulated by the law of inheritance settled under the authority of Government, on which I would venture to observe that through the division of property they must very soon cease to be substantive States. It is also said that the law of election is there unknown, and that, had the practice always followed under the Bombay Presidency been observed, the minor Chief of Edur as heir at law, and not Tukt Sing, would be Sovereign of Marwar. It is, I think, very fortunate that the Bombay practice was not in operation in Rajpootana, else we should have lost the finest example there has, perhaps, ever been in India of a peaceable election and succession to the throne of a powerful monarchy.

12 The 15th paragraph of the Chief Secretary's letter, referring to the 20th paragraph of Captain Lang's, notices the support which the views of the Hon'ble the Governor in Council receive from the expectation which Tukt Sing entertained of succeeding to the Edur Chiefship had the Chief of Edur been elected to Jodhpore. On this subject the Maharajah says (paragraph 16, reply to extract 4,) in reply to the queries put to this Vakeel by Mr Greathed on the 7th of March last (*vide* enclosure of Political Agent's letter, No 38, dated 6th ultimo) "Captain Lang writes that as Maharajah Tukt Sing himself expected to

obtain Edur in event of Jowan Sing's succeeding to Jodhpore, how can he consider the claim of Edur to Ahmednuggur invalid? Never on his claim to Edur did the Maharajah address Captain Lang, nor did he direct any one else (to do so), so why does this gentleman write on subjects which are still wrapped up in the Maharajah's breast? In his heart, perhaps, the Maharajah aspires to universal empire, but how could such an aspiration find its way into an official document?" The Hon'ble the Governor is of opinion that Captain Lang's concluding observations "in regard to the impolicy of allowing Jodhpore to intermeddle with the affairs of the Rypoot States in Guzerat and on the evils likely to arise if this is permitted" are deserving of the best consideration. On this subject I observed in my letter, No 90, dated the 16th ultimo—"I do not apprehend any evil consequence to the well being of the Mahee Kanta from a son of the Sovereign of Marwar being in possession of Ahmednuggur. The Maharajah says in the 18th paragraph of his note that he does not desire that Ahmednuggur should be attached to Jodhpore, and I should look to good rather than evil consequences from any interest which he may continue to take in the inferior Chiefship. But should it hereafter become a dependency of Jodhpore, I do not see why it should not be governed under one supremacy, as harmoniously as if it were a dependency on Edur." On this I would further observe that the Political Authorities in the Mahee Kanta need hardly apprehend any diminution in their importance from being to this extent connected with Marwar, or with the Political Authorities in Rypootana.

13 A copy of your letter and of this reply shall be forwarded for Mr Greathed's information

From A MALET, Esq. Chief Secretary to Government of Bombay to H. M. ELLIOT, Esq., Secretary to the Government of India, Foreign Department, with the Right Hon'ble the Governor General,—No. 2612819, dated the 9th October 1817

I AM directed by the Hon'ble the Governor in Council to acknowledge the receipt of Sir I. Curri's letters, dated the 27th January and 18th July 1816, Nos 211 and 1556, calling for an exposition of the

general views of this Government on the subject of the succession to the Chiefship of Ahmednuggur in Guzerat, the right to which is on the one hand contested by the Rajah of Edur, and on the other by the present Maharajah of Marwar

2 In reply, I am directed to transmit to you, for submission to the Right Hon'ble the Governor General of India, copies of two Reports upon this subject from Major Lang, late Political Agent in the Mahee Kanta, dated the 25th April 1846 and the 22nd April 1847, and also of a Report from Captain Wallace, the present Political Agent, dated the 30th November last

3 I am further directed to transmit, for submission to the Right

1 Minute by the Hon'ble Mr Willoughby, dated 5th November 1846

2 Minute by the Hon'ble Mr Willoughby, dated 27th July 1847

3 Minute by the Hon'ble Mr Willoughby dated 6th September 1847

4 Minute by the Hon'ble the Governor, dated 26th September 1847

5 Minute by the Hon'ble Mr Reid, without date

6 Minute by the Hon'ble Mr Willoughby, dated 28th September 1847

Hon'ble the Governor General, copies of the Minutes noted in the margin, containing the views of the Members of this Government upon this disputed succession, and to solicit the special attention of His Lordship to the Hon'ble Mr. Willoughby's Minute dated the 6th ultimo, which contains a summary of the facts of this case, accompanied by an historical sketch of the several parties whose interests are involved in the dispute and the relation in which they stand to each other. This Minute also contains an exposition of Mr Willoughby's sentiments on each of the points upon which the question at issue

appears to depend The conclusions at which Mr Willoughby has arrived, as expressed in his Minute, and which are recapitulated briefly in his last paragraph, have been fully concurred in by the Hon'ble the Governor and the Hon'ble Mr Reid

4 In forwarding the above-mentioned Minutes, I am desired to state, for the information of His Lordship, that, for the reasons assigned by the Hon'ble Mr Willoughby, this Government is of opinion that, upon grounds of justice, equity, and policy, Ahmednuggur and its dependencies ought now to revert to the elder Edur branch of the family, and that these two principalities should, as they did previous to a

1784, again form one State under the Rajah of Edur, and that Maharajah Tukt Sing should be required to remove his eldest son, Juswunt Sing, and the other members of his family, now at Ahmednuggur, immediately to Jodhpore

From the Political Agent in the Mahee Kanta to J P WILLOUGHBY, Esq Chief Secretary to Government, Bombay—No 251 38, dated the 25th April 1846

With reference to your letter dated the 11th February last, and the copy of Mr Secretary Currie's letter sent with it, forwarding, for any further observations I may have to offer on the subject, a Report from the Political Agent at Jodhpore, dated the 24th October last, and its several accompaniments, regarding the claim advanced by the Edur Durbar to succeed to the Ahmednuggur Talooka, I have now the honour to inform you that I have made the fullest enquiries in my power on the two principal points discussed in Mr Greathed's letter as likely to influence the eventual decision of this important question, and which I consider to be the time of adoption of Maharaj Juswunt Sing by his late uncle's widow, and the inherent right of Maharaj Tukt Sing to retain Ahmednuggur to himself after his adoption and election as Sovereign of Marwar. The result of these enquiries has fully confirmed the opinion which I ventured to offer on both these points in my Report of the 20th June last, and shall now be explained as shortly as possible, after which I shall offer such observations as occur to me on the other points touched upon in Mr. Greathed's letter which appear to require my reply

2. The proof contained in the deed of adoption itself of Maharaj Juswunt Sing of its having been antedated from October 1843 to October 1841, as pointed out in the 5th and 6th paragraphs of my letter of the 20th June last, must, I think, have satisfied Mr. Greathed of the correctness of my formerly expressed opinion on this point, but as that Officer appears, in the 17th and few following paragraphs of his Report, to place so much reliance on the assertions of Maharajah Tukt Sing on this subject, and enters at such length into an explanation of the circumstances under which this adoption is stated to have been made when the Maharajah's sister-in-law lost her own posthumous son, I may as well here mention that whatever I might have thought of the weight due

to the report of my Karkoon regarding the time when this adoption took place, I should never have considered myself justified in accusing the Ahmednuggur Authorities of antedating the deed of adoption on this ground alone. I was aware, however, from my own knowledge, that the adoption had not taken place at the time stated, or, indeed, up to the date of Maharajah Maun Sing's death, unless it was considered necessary not only not to inform me of it, but carefully to conceal it from me, when the simple intimation of it would have at once cut short in Maharajah Tukt Sing's favour the discussions regarding Mourassa, which originated in the claim set up by the Collector of Ahmedabad to appropriate to our Government the Marwarree share of that peigunnah, on the ground that the adopted line of Maharajah Zalum Sing was extinct first, on the death of Maharaj Prithsee Sing of Ahmednuggur, and afterwards on that of his posthumous son, Bulwunt Sing. On this point I beg to refer to Mr Chief Secretary Reid's letter of the 1st June 1843, deciding this question in favour of Maharaj Tukt Sing, but only on the condition of his agreeing to certain arrangements proposed by the Collector for the more plausible management of Mourassa for the future, which reservation was made on the express ground that Tukt Sing's right to succeed to Mourassa as a part of the Ahmednuggur estate was "not free from argument," as directed by Government. On that occasion I sent for the Ahmednuggur Karkrees for the purpose of settling this dispute, and they were with me at Sadra in September 1843, when I heard of Maharajah Maun Sing's death, when this point was discussed on the ground of the adopted line of Zalum Sing being extinct, but they were recalled to Ahmednuggur owing to the expected visit of the deputation from Jodhpore before any settlement could be effected. Had Juswunt Sing, however, been given in adoption to Prithsee Sing's widow prior to that period, there would not, of course, have been any ground to question the Ahmednuggur right through him to Mourassa, which had not existed with equal validity from the time of Zalum Sing's death, nearly 40 years before.

3 With regard to the report of the Karkoon I sent to Ahmednuggur as to this adoption having taken place the night before Maharajah Tukt Sing left for Jodhpore, it should not be forgotten, in forming a judgment of the weight to be attached to it, that the adoption was merely reported as one of the occurrences which had

taken place on the occasion of Maharajah Tukt Sing's departure, and that the Karkoon, therefore, could not have had any object in misrepresenting it, or any possible expectation if the subject came to be investigated, that his report, if false, could upset the testimony of the parties by whom such acts are always witnessed and testified to accordingly. As regards the denial of the adoption by Gumbur Sing in the presence of Captain French, which is alluded to in the 16th paragraph of Mr Greathed's letter, I never attached the slightest value to it, except as proving the very natural anxiety of those most interested in Juswunt Sing to get him by any means in their power to succeed his father if he survived him in the Muwar sovereignty. It must be remembered, however, that Gumbur Sing's object in what he stated to Captain French was to keep the adoption out of sight in order to prevent its interfering with his nephews being summoned to Jodhpore, and not to prove either how or when it had taken place, otherwise I quite agree with Mr Greathed that he would doubtless have been equally well prepared "with a falsehood to bolster up the forgery."

4 Under these circumstances and those formerly reported in connection with this part of the subject, it seems superfluous to trouble Government with the statements of any of the witnesses whose signatures are attached to the deed of adoption. On the receipt of the correspondence now under reply, however, I sent for one of those individuals who lives in His Highness the Gaekwar's Districts, not far from Sadra, and took his deposition on the subject, and wrote at the same time to Captain Keily to take those of four of the Thakooris who had attested the writing, and who all resided near the part of the country in which that Officer was then employed. It may, therefore, be as well to submit translations to the whole of these, which I beg to annex, and regret to observe that three out of the five witnesses examined have endeavoured by falsehood, which in two of the three cases can be clearly exposed, to support the assertions of the Ahmednuggur Authorities as to the time when the adoption took place. It is necessary, in consequence of this, that I should shortly explain who these different witnesses are. The first, Dew Rao Cassee, is a respectable old man between 60 and 70 years of age, who was formerly employed with the Mahee Kanta Mooluckgerree of His Highness the Gaekwar, and, having had

charge of the force when Maharaj Zalun Sing of Mourassa was killed at Amlecara, was afterwards sent by His Highness the Gaekwar to assist in the adoption of a son by the Maharajah's widow. For the services then and at other times rendered to the Ahmednuggur family, he received from them the valuable village of Akrood in enam, which he still enjoys, but is otherwise equally independent of both the Edur and Ahmednuggur Durbars. The second witness examined is the Thakoor of Mohunpore, one of the principal Bhomya Chiefs in this province, and being a separate tributary, independent of both the Marwaree families although his sister was married to the late Maharaj Kurreem Sing of Ahmednuggur, Tukt Sing's father, and was one of the victims of the *Suttee* at that place in 1835. Both of these witnesses attended soon after they were sent for, and state in their depositions that the adoption took place and was witnessed by them the night before Maharaj Tukt Sing left Ahmednuggur for Jodhpore, on which occasion they had gone to pay their respects to him, and the Mohunpore Thakoor produces the note from the Maharaj summoning him for that purpose.

5 The next two witnesses to the deed of adoption, whose statements are annexed, are the Thakoors of Doongurwarra and Senawarra, both of whom are Puttawuts of Ahmednuggur, and, consequently, in a great measure dependent on that Durbar. It will be seen from the dates of their depositions that they did not attend for some days after the Mohunpore Thakoor, and all kinds of excuses were made to Captain Kerly to get him to dispense with the attendance of the Doongurwarra Thakoor altogether, and to take the statement of his uncle instead. Whether they had been spoken to in the meantime by any one in the Ahmednuggur interests, or whether they were afraid of suffering in any way from telling the truth, it is, of course, impossible to ascertain, but it will, I think, be apparent to any person reading their depositions that they are entirely false, from the circumstance of their testifying to their having signed their names as Thakoors at a time when both their fathers were still alive, and the explanation they attempt to give of it. The Doongurwarra Thakoor is, moreover, quite a youth still, and if the adoption took place, as asserted, in 1841, he must have been called to witness it as a child, which is, of course, most improbable. Their fathers, however, died in 1842, and the adoption having actually taken place in 1843, they

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their greater subdivision amongst members of the same and different families have rendered a greater degree of interference necessary both in this province and in Kattywar than has ever been customary with regard to the larger and more independent States of Rajpootana. Not to go further for an instance of the different policy pursued, I think I may safely state that, had the same system been prevalent in Rajwarra as has long obtained amongst the Rajpoot and other States in Guzerat, Jowan Sing of Edur would now have been Sovereign of Marwar, and as I have shown in the 19th paragraph of my last Report that the disputes between the Edur and Ahmednuggur families have heretofore been investigated and settled on the same principles as have been acted upon in the management of all the other Chiefships in Guzerat and Kattywar, it would obviously involve a great injustice to the young Edur Rajah if the decision in the present case were to be guided by other rules, the more particularly as the Edur Chief in his disputes with Ahmednuggur and other subordinate branches of his family has up to the present time been generally the sufferer from the more minute degree of interference exercised by the Bombay Government.

7 It is unnecessary, however, to press this point in considering the question of Maharajah Tukht Sing's inherent right to retain Ahmednuggur after succeeding to Jodhpore, since the replies received from the principal States of Rajwarra to the queries addressed to them by the Government of India are shown in the 18th paragraph of my Report of the 20th June last to be equally unfavourable to the Jodhpore claim on this particular point, as a decision founded on the merits of the case and the Hindoo Law of Adoption would, in my humble judgment, inevitably be. Although the four Durbars (for, of course, Jodhpore must be excluded as one of the parties concerned), of Oodeypore, Jey pore, Boondée, and Bickaneer, do not appear to agree on any of the other points submitted for their replies, they all concur in the necessity of a Chief of a Rajpoot State elected to the Chiefship of another State forfeiting all his rights of sovereignty in the State first possessed by him, with the reservation made by Boondée alone, but not affecting the present dispute, that the two States must be separate, and that no condition has been made at the time of the election to retain them both. This, therefore,

being the custom of Rajpootana, it follows, as a matter of course, that Maharajah Tukt Sing cannot, as he now proposes to do, make over Ahmednuggur to his second son, who was not born for several months after he went to Jodhpore, and the injustice of which to the young Edur Rajah, already superseded in the succession to Marwar by a junior branch of his own family, appears to me to be so glaring, that I cannot but think Mr Greathed, in supporting the Maharajah's proposal, must have been unaware that the child now offered as the new Chief of Ahmednuggur was not in existence when the Maharajah left that place, and must likewise have forgotten that the course he recommends for adoption must involve the virtual annexation of Ahmednuggur to Jodhpore, for if Maharajah Tukt Sing has a right now to substitute one son for another in the Ahmednuggur Chiefship, it seems to follow that he would have an equal right hereafter, in the event of the death of his second son, to make Ahmednuggur over to a third, or, in fact, to any other, person he may choose to appoint, and to allow it either to remain as a separate talooka, or govern it as a Pergunnah of Jodhpore, as may be most agreeable to himself

8 As regards the texts from the Shasters given in the 2nd part of Appendix D of the accompaniments of Mr Greathed's letter, they are so completely opposed to those alluded to in the 16th paragraph of my Report of the 20th June last, that I deemed it my duty to make the most particular enquiries in my power with regard to the inherent rights of adopted sons as laid down in the different Shasters which are considered authoritative on such subjects, and this has caused much greater delay in submitting this reply than I could have wished. The means at my disposal of obtaining satisfactory information on points of this description are, of course, limited, and if considered advisable, I would humbly recommend that the enquiry should be further prosecuted at the Presidency, where the most trustworthy information can doubtless be readily obtained. I have not been able to consult the writings of Strange, Colebrooke, or Macnaghten, or other English Authorities on Hindoo Law, but I am informed by others better versed in such matters than myself that the understood rule is, that an adopted son forfeits by his adoption all his rights in his natural father's family, and that

the only exception recognized by the Hindoo Law as applicable to the present jog or age of Hindooism, is where an agreement has been entered into at the time of the adoption that the son given is to perform the obsequies and succeed to the property both of his natural and adoptive fathers. In the Appendix above referred to of Mr. Greathed's letter, the quotations from the *Shasters* appear to be so much mixed up with the comments of the person by whom they are made, that it is impossible to ascertain when the former terminate and the latter begin, and in order, if possible, to clear up this point, I thought it as well to submit a few queries on the subject to a *Shastree*, and beg to annex translations of them and of that individual's replies. From these it would appear that he is not aware of any texts either in the *Nirune*, *Sindhoo*, or other *Grunths* quoted by the Jodhpore Authorities, by which an adopted son, if the only son of his natural father, is entitled to inherit his property, and considers that, if any such doctrine is laid down in any of the *Shasters*, it must be with reference to some of the 10 descriptions of sons allowed in former ages of Hindooism, but declared by all the *Shasters* to be *Neesheedh*, inadmissible in the *Kul Jog* or present Hindoo age. I beg likewise to annex a translation of this *Shaster's* exposition of the Hindoo Law of Adoption with reference to the particular points in dispute, from which it will be seen that the adoption of a person himself a father (as was the case with Maharryah Tukht Sing) is considered by him illegal according to the *Shasters*, and that he looks upon the rule debarring an adopted son from succeeding to his natural father's property as absolute, not even recognizing the exception to which I have alluded of an agreement to the contrary at the time of making the adoption, which, he states, although allowed in former ages, is not applicable to the *Kul Jog*.

9 Whilst on this part of the subject, I may as well, to save the trouble of reference, annex translations of the replies from the two *Shasters* alluded to in the 16th paragraph of my Report of the 20th June last to the queries addressed to them regarding the points I then considered to bear particularly on the merits of this dispute, so far as the doctrines of the *Shasters* may be considered to affect it. One of these is the same individual who is referred to in the foregoing paragraph, and

the other a still more learned man in the *Shasters* belonging to Surat. Neither of them is at all connected with this province, and know nothing, as far as I am aware, of the particular case to which the queries addressed to them were meant to apply. I beg also to add a copy of the queries addressed by Government to the Sudder Adawlut in 1842 in the supposititious case there given long before the present discussion had arisen at all, and of the replies received to them from that Court, which were forwarded to me with copy of your letter of the 27th September 1842 by the late Political Commissioner for Guzerat. The second of these replies, it will be seen, is directly against Maharajah Tukt Sing's inherent right to retain Ahmednuggur after his adoption into the Jodhpore family, and the other two tried greatly to confirm this view of the case by showing how completely an adoption into another family is considered to sever the connection, as far as succession to property goes, between the party thus adopted and his original family. No reservation is made either in these replies from the Sudder Adawlut, or those of the *Shastrees* whom I have consulted, regarding the person thus adopted, if an only son, succeeding to the property of his natural as well as that of his adoptive father, and the inference, therefore, seems inevitable that the Jodhpore Authorities, in endeavouring to support their own views of the case from the *Shasters*, have either made some mistake in their quotations, or, what is more probable, have taken advantage of some of the subtleties of the Hindoo Law, without making any enquiries whether the texts quoted by them are still possessed of any authority, or considered, as would appear beyond a doubt to be the case, as altogether obsolete or inapplicable in the present Hindoo age. One of the *Shastrees*, it will be seen, objects to the adoption of an only son, and the 4th paragraph of the first part of Appendix D to Mr Greathed's letter likewise states that such an adoption is not proper. Whether it amounts to an illegality according to the *Shasters* I am not aware, but if it does, it would equally vitiate the adoption of Maharajah Tukt Sing himself and his son, Juswunt Sing, and form another strong ground for his being called upon to restore Ahmednuggur to the Edur Chief.

10 With regard to the precedents alluded to in the 26th paragraph of Mr Greathed's letter, and particularly that of the late Maharaj Prithvi Sing of Ahmednuggur, Tukt Sing's brother having obtained his

own patrimony, although adopted as heir to his uncle, Partab Sing, of Mourassa, I beg to refer to the several extracts and copies of letters written long before this discussion commenced, which are submitted with this Report, as proving that the ground on which Prithsee Sing, and afterwards Tukt Sing, were considered entitled to retain possession of the Marwaree share of Mourassa, as well as Ahmednuggur, was not the adoption of the former by his uncle, Partab Sing, but the circumstance of Mourassa having always been regarded by our Government Officers as forming a part of the Ahmednuggur State, and been acknowledged as such in an agreement between Gumbur Sing and Kurn Sing, the late Ryahs of Fdur and Ahmednuggur, entered into through Colonel Ballantine's intervention in Sumbut 1883 (A D 1826-27) Zalum Sing of Mourassa was killed in Sumbut 1863 (A D 1806-7), and Partab Sing, who was afterwards adopted by his widow with the full concurrence of the Gaekwar Government, which was then paramount in this part of the country, died in Sumbut 1876 (A D 1819-20), from which period Mourassa was always managed and enjoyed, not by Prithsee Sing, as inferred by Mr Greathed, although nominally adopted by Partab Sing, but by his father Kurn Sing the Ryah of Ahmednuggur, up to the time of his death in 1835, which is fully admitted in the concluding part of the 11th paragraph of Maharajah Tukt Sing's khureeta given in Appendix B of Mr Greathed's Report Prithsee Sing then succeeded as Chief of Ahmednuggur, and enjoyed Mourassa in the same manner as part of the Ahmednuggur State up to his death at the end of 1839, when Tukt Sing became Maharaj of the united talooka, which he, of course, could not have done had Mourassa been held by adoption into the line of Zalum Sing A posthumous son was afterwards born to Prithsee Sing, but died in 1841, when Tukt Sing again succeeded, and continued to enjoy both Ahmednuggur and Mourassa up to the time of his departure for Jodhpore in October 1843

Of the other precedents quoted in Appendix C of Mr Greathed's letter, the first, that of Jeypore, does not appear to refer to a case of adoption at all A younger brother having succeeded the elder as nearest of kin is stated to have retained the pergunnahs he before enjoyed from Oodypore, but Mr Greathed explains that they were taken by Holkar as the price of his assistance in obtaining Jeypore for the younger

brother The two next, those of Bickaneer and Kotah, seem to indicate in both cases the adoption of the nearest of kin, and although this is not so clearly shown in the third, that of Rampoorra, there is nothing to prove that it was not the case then likewise These precedents, with the exception of the first, appear likewise to apply to the re-annexation of the portions enjoyed by younger branches of the families to the parent State on the parties holding them succeeding to the Chiefships, and as Jodhpore must be regarded as a perfectly distinct principality from the States both of Edur and Ahmednuggur, it would have required, in my humble judgment, a forced construction to have made them applicable to the case of Jowan Sing of Edur being allowed to retain that talooka had he succeeded to Jodhpore as nearest of kin, and been adopted at the same time into the Jodhpore family to keep up the line of Maharajah Maun Sing but they can surely never be held to apply to the retention by Tukt Sing of Ahmednuggur, an appanage of Edur, and its annexation to Jodhpore after the supersession of the Edur Chief in the succession to Marwar by a younger branch of his own family The Jodhpore Authorities have, therefore, either been very unfortunate in their selection of precedents, in a country, too, where might, and not right, has generally prevailed, or we are reduced, during a period of two hundred years, to which these extracts appear to extend, to the single case of the retention of Doongurpore, to which he was adopted by the Chief of Dewlja on his succeeding to his own family patrimony and here it must not be forgotten that the late Rawul of Doongurpore attempted to supplant the Dewlja Chief by forcibly adopting another son, when the Meywar Political Authorities were obliged to interfere to prevent a disturbance of the peace, which circumstance may very possibly have affected the final decision of the question in favour of Dewlja As this has been quoted as a precedent, however, for annexing Ahmednuggur to Jodhpore, I am sure I shall be pardoned for adding that the incorporation of Doongurpore with Dewlja, although the two States are not far apart from each other, is looked upon in this part of the country by all classes whom I have heard speak of it, and who are, of course, ignorant of the grounds on which it has been done, as a great hardship on the Doongurpore family

12 At the end of his 2nd paragraph Mr Greathed states that my proposal for the successful candidate for the Marwar throne to give up his possessions in Guzerat to his unsuccessful competitor did not reach Jodhpore till Maharaj Tukt Sing was seated on the throne. I find, however, that I first requested the instructions of Government on this point in my letter to the Political Commissioner of the 30th September 1843, the first I wrote on the subject of the Jodhpore succession, and the recommendation that whichever of the Chiefs should succeed to Marwar should be required to give up to the other his possessions in Guzerat was repeated in my letter of the 5th October following, copy of which was forwarded to Captain Ludlow on the 7th of the same month. It was in reply to this communication that I was requested by that Officer and Colonel Sutherland, in their letters of the 15th and 17th of October respectively, to facilitate, by every means in my power, the journey of Maharaj Tukt Sing and his son, Juswunt Sing, as Sovereign and heir apparent to Marwar, and to prevent any hindrance being offered to their departure on the part of Edur, as had been threatened. Immediately on receipt of these letters, which reached me at Sadra on the 20th of October, I despatched my Head Karboon and a party of Sowars, who overtook the Maharajah the day after he had left Ahmednuggur and accompanied him to Pil-lunpore. We are in consequence, in my humble judgment, doubly bound to see justice done to the young Rajah of Edur, as every measure was adopted, and with perfect success, to prevent his attempting in any way to secure it for himself.

13 In the 8th and following paragraphs of his letter Mr Greathed contends for the political independence of Ahmednuggur from the time Sugram Sing received that place from his father, 17 years before his death, to say nothing, however, of the improbability of a Chief establishing his son in a separate sovereignty in a part of his own possessions during his life-time. From all I can learn on the subject, Sugram Sing would appear generally to have resided at Edur till his father's death, and to have received Ahmednuggur, with the few villages then dependent upon it, to provide for his maintenance. The disputes which afterwards occurred between the minor Chief of Edur and his

uncles, who were obliged in consequence to retire to Ahmednuggur, doubtless led to the Gaekwar Authorities, then in charge of this province, recognizing Ahmednuggur as a separate tributary, and it has continued to be regarded as such by our Government ever since Colonel Ballantine first fixed the tribute in perpetuity in 1812, which, according to the usage in these Native States, must, of course, be held as a recognition of its political independence of Edur. This point I never intended to dispute, but merely to show that the two families are so nearly related to each other, and their possessions so much mixed up together, that any dispute regarding the two Chiefs succeeding each other on the failure of direct heirs to either would never have been likely to occur had they both remained in this province. On this point I beg also to refer to the 1st paragraph of my letter of the 29th March 1842, which forms accompaniment No 13 to this Report, as showing that my opinion on this subject was the same long before anything was known of a successor to Maharajah Maun Sing being likely to be selected from either of these families. Mr Greathed quotes the instance of Zulum Sing's widow at Mourassa being allowed to adopt a son as against this view of the case, but probably that Officer is not aware that Zulum Sing was killed by the coolies of Amleera whilst assisting the Gaekwar Forces in an attack on that place, and that the circumstances of his case were therefore peculiar, whatever Maharajah Tukht Sing may now say on the subject. I could also mention many things which have occurred within the last 30 years as showing that Ahmednuggur, although claiming political independence of Edur, has been always regarded amongst the Marwarees themselves as a subordinate branch of the family, but as this point does not appear to affect the merits of the present Edur claim, I need not here enlarge upon it.

14 In the 29th and 31st paragraphs of his letter Mr Greathed states his belief that the Maharajah has no wish to convert Ahmednuggur into an appanage of Marwar, and I regret to be under the necessity of expressing a decidedly contrary opinion, but from all I have seen and heard since the Maharajah's departure for Jodhpore, I have been led to believe that unreasonable as this wish appears, it has never ceased to be most fondly cherished by him, and whatever his intentions may be, it cannot surely be denied that the arrangement now

proposed would most effectually accomplish it. After the proofs which I formerly furnished, and have now added to, of the time when Juswunt Sing was adopted by his aunt, and which so completely upset the statement of the Maharajah of the affectionate and disinterested motives which led to that act, and the embarrassment which it afterwards caused him when elected to the sovereignty of Marwar, Mr Greathed will, I am sure, be less disposed to give credence to the assertions of the Maharajah and his advisers where their own interests are concerned, and be fully satisfied, I should think, from all that has been stated, that the adoption of Juswunt Sing was hurriedly carried into effect by the Ahmednuggur Authorities on the departure of Maharajah Tukt Sing for Jodhpore, as the only possible way that occurred to them of being able to keep Ahmednuggur in their own hands, and that their claim, if placed on this ground, appeared even to themselves so untenable, that they antedated the deed of adoption two years, to make it appear that Maharajah Juswunt Sing had been Chief of Ahmednuggur from the time the guddee became vacant by the death of Prithi Singh's posthumous son, for although Maharajah Tukt Sing now states that this adoption was not intended to interfere with his life interest in the Ahmednuggur Chiefship (making it, in fact, tantamount to no adoption at all), it will be found by referring to the Maharajah's memorandum to the address of Captain French the year before, a translation of which accompanied my letter of the 29th September 1844, that Juswunt Sing was then said to have been given in adoption to his aunt as Lord or Master of Ahmednuggur, in compliance with the dying injunctions of his uncle, Prithi Singh, and that Tukt Sing had merely been consulted and the affairs of the State conducted through him, as Juswunt Sing was very young.

15 In conclusion, I beg to state, in support of the view of the case given in the foregoing paragraph, that when I was at Ahmednuggur in November and December last, although I found the authorities there apparently willing enough to attend to my wishes, they did not attempt to conceal from me that they could do nothing towards the settlement of disputes of any consequence without making a reference, in the first instance, to Jodhpore, to which place they had a regular dāk laid, which, they said, brought them replies in five or six days. I

was also informed that a Muckranee Jemadar and some of the Sebundeas employed there belonged to the Jodhpore Establishment, and were paid from thence. The connection, therefore, ruinous as I humbly conceive it would be certain to prove to the tranquillity and prosperity of this province, would not appear to be without its disadvantages to Jodhpore, likewise as tending to distract the attention of the Maharajah from the more important affairs of his new kingdom, and to prove more or less a drain on its finances. It will also be remembered that when the Sirdar Puttawuts of the Edur State assembled together in October last, and were reported to contemplate creating some disturbance, a note was mentioned by my Head Karkoon, then at Edur, as having been addressed to them by the Ahmednuggur Durbar. On afterwards visiting Edur, I found that there was no doubt of the truth of this, but as it had either been torn up after perusal, or the Chiefs who had seen it pretended that it had been so, I was unable to obtain any information on which I could depend as to the exact contents of it. Whether intended, however, to foment the dissection or not, I allude to it here to point out to Government how vastly different the weight of such a communication coming from the Ahmednuggur Durbar as formerly situated with regard to Edur to what it must now have as emanating from the family of the Sovereign of Marwar, and to repeat my humble but sincere conviction, that if the connection between Jodhpore and Ahmednuggur is allowed to continue, it will be found altogether impossible to preserve the tranquillity of this province after the young Edur Chief has grown up, if, indeed, so long. Besides, therefore, the strict justice of the Edur claim, as nothing has yet been done to affect Juswunt Sing's right to succeed his father at Jodhpore, and as all parties interested in him will doubtless continue their efforts and intrigues to get him to do so, it must surely be self-evident that we should best consult the welfare both of Marwar and this province by requiring him to be removed there as heir apparent, as formerly intended, and by re-annexing Ahmednuggur to Edur, to which it originally belonged.

P S—The original enclosures of Mr Secretary Currie's letter, which were sent for my reply, are returned herewith.

No I

Translation of the deposition of DEO RAO CASSEE of Veezapore, taken in the presence of CAPTAIN LANG, Political Agent, Mahes Kanta—dated Sadra, the 19th February 1846

Question—Your name appears in the writing as a witness to the deed of adoption by which Maharajah Juswunt Sing, Koor of Maharaj Tukt Sing, was made over to the Ranees of Prithes Sing, deceased State, therefore, all particulars connected with the transaction

Answer—The day before Maharaj Tukt Sing left Ahmednuggur to proceed to Jodhpore, I left Krapore and went to pay my respects to him. Owing to the preparation for the journey I had no opportunity of paying my respects to him that day, but on the evening of the day (date left blank) a man from His Highness came to call me to his presence. I went there accordingly, and found Roopram alone with His Highness, I making the third person in the Durbar. The Maharaj said he was going to Jodhpore, that he had given his son to the Seesodunjee, and that a writing had been drawn out, to which my signature as a witness was required, and that it had been signed by others. On saying this he took the writing from Roopram's hand and gave it to me to sign. I asked him if he had given his son into the Ranees's lap of his own will and pleasure, whereon His Highness replied in the affirmative, and desired me to sign the deed. I looked at the deed, but owing to the faintness of the light was not able to make out its contents, but saw that it had been signed by several. I signed my name below them, and having obtained my leave left. This is all I know.

Question—Did you ever hear before signing the deed that the Koor of Maharajah Tukt Sing had been adopted by the Ranees?

Answer—No, I never heard before signing the deed of any such adoption.

Question—After obtaining your signature to the deed, when did the Maharaj proceed to Jodhpore?

Answer—The next day, in the morning (about 1½ *Pokurs* of the day), he left for Jodhpore.

Question —Do you know when the other names to the deed had been affixed to it?

Answer —No, I do not, I was sent for at night alone, and saw that it had been previously signed by others, but when I cannot say

Question —Do you remember what Chiefs, Thakoors, and Bhomyas of the Mahee Kanta were at that time present at Ahmednuggur?

Answer —No, I do not, for I had alighted in the town and the Maharaj was encamped outside

Question —Did you at the time ask His Highness whether he was giving his son in actual adoption, or merely placing him in full charge of the Ahmednuggur Districts?

Answer —No, I never asked him on the subject, but he said he had given his son over in adoption to the Ranejee

Question —Had the Maharaj at that time any other son?

Answer —No, Juswunt Sing Maharaj was his only son

NO II

Translation of the deposition of RAJ SINGJEE ZALUM SINGJEE Thakoore of Mohun pore taken before CAPTAIN KELLY Assistant Political Agent at Bakrole on the 20th February 1846

Question —Your name appears as a witness in the document adopting Juswunt Sing by the Ranees of the Ahmednuggur Durbar, therefore state truly all the circumstances connected with this adoption, together with the date of the month and year when the said arrangement was entered into

Answer —When it was settled that Maharaj Tukht Singjee should proceed to Jodhpore, a horseman from the Ahmednuggur Durbar came on the 12th of Aso Wud Sumbut 1899, and informed me of the Maharajah's intended departure, and requested me to come and pay my respects to him, he also brought a letter to that effect from the Maharaj On

receipt of this I immediately went to the Ahmednuggur Darbar, but did not obtain an interview with him (the Maharaj) that day, the next day (Aso Wud 13th *Dhunterus*) I obtained an interview with the Maharaj, and whilst talking with him Dessae Juggeewandas Veredas, Karbarce of His Highness, came with a paper in his hand and requested me to witness it. I asked the nature of the paper, when he and Oomjee, who was seated by the Maharaj, said that Maharaj Juswunt Sing had been given into the Ranejee Sahib's lap (adopted as a son), and that the writing was to that effect, and requested me to sign it, whereon I did so on that day, namely, Dhunterus 13th Aso Wud Sumbut 1899

Question — Had the document been signed by others previous to being submitted to you for that purpose?

Answer — Yes, it had been, but I cannot say by whom it had been witnessed

Question — Did Maharaj Tult Sing say anything to you on the occasion?

Answer — I asked the Maharaj what necessity was there for my signature, whereon he desired me to sign it, at the same time saying that I need not have any apprehensions on the subject, on which I signed it

Question — Who was present at the time you signed it?

Answer — Oomjee Mahadoo Singjee, Dessae Juggeewan Veredas, Gumbur Sing, brother-in-law of His Highness, these three I know there were others standing and sitting, Brahmans and servants of His Highness, but their names are unknown to me

Question — Was the document read out to you?

Answer — No, they told me it was a deed of adoption, and so without having it read over I signed it

Question — After signing the document when did the Maharaj proceed to Jodhpore?

Answer — When I obtained an interview with him, he was all ready to start with his loins bound up, &c, and after my signature had been.

obtained, he immediately mounted his horse and left I accompanied him to the gate-way of the town, when I took my leave and returned to Mohunpore

Question —Were the Loonawarra and Doongurwarra Thakoors with Kesree Sing of Tintoe present when you signed the deed?

Answer —I did not see the Loonawarra Thakoor I did not know the Doongurwarra Thakoor by sight, therefore cannot say whether he was there or not, but Kesree Sing was in Ahmednuggur at the time, though not present when I signed it, besides which, in consequence of the Maharajah's intended departure, a great number of people had collected together there was also great confusion, on which account I was not able to recognize any one

NO III

Translation of the deposition of THAKOOR MAHADO SING MAUN SINGJEE, of Doongurwarra, aged 14 years taken before CAPTAIN KEILY, Assistant Political Agent at Bakrole, dated the 24th February 1846

Question —When did your father, Thakoor Kooman Sing, die?

Answer —In Maha (4th) Sumbut 1898, but do not recollect whether he died in the light or dark part of the month, but the event took place in Maha of that year, that is certain

Question —Your name appears as a witness to the deed of adoption by which Seesodunjee Raneejee took into her lap Maharaj Juswunt Sing, state truly the year and month when the said adoption took place

Answer —About 10 or 12 days after the death of Maharaj Bulwunt Sing Maharaj Juswunt Sing was adopted, and the writing (deed of adoption) took place then, and it was then witnessed, but the year and month I do not remember

Question —What took you to Ahmednuggur on that occasion?

Answer —I attended on the death of the Ahmednuggur Rajah, but was a child at the time, and did not even know the name of the Maharaj who had died

Question —Who gave you the writing to sign?

Answer —Maharaj Tukht Sing was seated there with the Karbarees Dessae Juggeewandas brought the writing and told me to sign it, on which Sirdar Sing Maunjee Jodha of Mehdasun wrote my name

Question —Where was your father, Kooman Sing, at the time of signing the deed?

Answer —Sick at home and unable to leave his bed, so I attended at Ahmednuggur

Question —As your father was alive, how came you to sign as Chief?

Answer —My father was ill, nevertheless instructions were issued for him to attend at the Durbar, when the people about the Maharaj interfered, and said my father ought not to be sent for on account of his sickness, and that his son present could witness the deed

Question —But in the event of a son being called on to sign a deed in the life time of his father, he would do so as Koor, but not as Thakoor State truly, therefore, whether you witnessed the deed before or after the death of your father?

Answer —I went to Ahmednuggur after the death of my father and after performing the *laruz pancee*, and then signed the deed I was Thakoor at the time, and consequently signed as Thakoor

Before stating the above, he declared that, if he spoke the truth and it became known, it would prove his ruin He was hereon told that his deposition should not be made known to his Durbar, and urged to state the truth, and after much consideration the reply above rendered was given, but from fear or other causes he could not be prevailed on to speak the truth He further stated that, if the Durbar became acquainted with the nature of the deposition now given, it would prove his ruin, and earnestly entreated that no one might be allowed to become acquainted with its contents, as in that case the Durbar would soon be informed of it

At one time he appeared disposed to speak the truth, but, after vacillating, requested permission to go and speak to Sirdar Sing, the person who had signed for him, but this, of course, was not allowed, and after signing the deposition he was permitted to leave

No IV.

Translation of the deposition of THAKOOR RAJ SING of Loonawarra taken before CAPTAIN KELLY, Assistant Political Agent at Bakrole,—dated the 27th February 1846

Question —When did your father, Shere Sing, die?

Answer —In Sumbut 1898, 7th Asir Wud

Question —Your name appears as a witness to the deed of adoption by which Maharaj Bulwunt Sing was taken into the lap of Seesodunjee Ranejee (adopted), state truly, therefore, the year and month when you attested the deed in question

Answer —When Bulwunt Sing, the son of Maharaj Prithi Sing, died, the Seesodunjee Ranejee took his death much to heart About 15 or 20 days afterwards Maharaj Tukt Sing told her not to grieve for his death, but to adopt his son, Juswunt Sing, in his stead, and thereon gave him to her, and had a writing prepared to that effect, and Dessae Juggeewandas, Karbaree, with Oomjee, caused me to sign the deed

Question —What was the cause of your being at the Durbar at the time?

Answer —I attended on the death of Maharaj Bulwunt Sing

Question —Where was your father at the time?

Answer —He was an old man and ill, and so remained at Loonawarra

Question —As your father was alive, how came you to sign the deed in your own name instead of that of your father?

Answer —He was not present, and I was, and so I signed it in my name

Question —But as long as your father was alive you could not sign your name as Thakoor Raj Sing, but as Koor Raj Sing, but in the deed in question it is signed Thakoor Raj Sing, therefore reflect seriously, perhaps you signed the paper after your father's death state truly when it took place

Answer —The custom certainly is as you say, in the life-time of one's father the son could not sign as Thakoor, only as Koor I am not

able to write myself, and therefore the man who wrote it made a mistake in writing Thakoor, but it is the truth that Juswunt Sing was adopted in the life-time of my father, and I witnessed the deed then

Question —It is known that the deed was witnessed when the adoption took place, but Maharaj Bulwunt Sing died in Aso Sumbut 1897, how long after this event did you sign the paper?

Answer —Twenty or twenty five days after this (death of Bulwunt Sing), Juswunt Sing was adopted then I witnessed it.

Question —Who was present at the time?

Answer —Maharajah Tukt Sing, Karbaree Juggeewandas, Oomjee, and Deo Rao Cassee of Veezapore, &c Ranejee Seesodunjee was seated behind a curtain

Previous to taking the above deposition the Thakoor was seriously warned against concealing the truth he appeared very uneasy, and his countenance betrayed marks of perturbation during the time his deposition was being taken

NO V.

Translation of the deposition of CHAMPAWUT KESREE SING aged about 40 years taken before CAPTAIN KEILY Assistant Political Agent at Bakrole dated the 5th March 1816

Question —Your name appears as a witness in the deed of adoption in which Ranejee Seesodunjee took into her lap Maharaj Juswunt Sing, state truly in what year and month you attested the deed in question

Answer —When Maharaj Bulwunt Sing, son of Maharaj Prithoo Singjee, died, I was at Sadra, and there heard of the event, there were two Asos in that year On hearing of the news I obtained leave and went to Tintoce, after which I attended at Ahmednuggur I did not sign the deed on that occasion, but on going to Ahmednuggur on second month of Aso at the time of the Dasserah, Thakoor Mahdoo Sing of Nikora and Dessaoe Juggeewau, Karbaree, told me that the Ranejee Sahab had adopted Juswunt Sing, and desired me to witness the deed which had been drawn out I thereon attested the deed.

Question—No one heard of the adoption you mention until Mahary Tukt Sing proceeded to Jodhpore. How came it to be concealed? It was a public act, and would have been known to the whole country

Answer—It certainly ought to have been made known, why it was kept a secret is more than I can say. What does a Sawant know of the intentions of the palace?

Question—When you attested the deed, whose signatures had been previously attached to it?

Answer—The names of the Loonawarra Thakoor, Raj Sing, the Doongurwarra Thakoor, Mahado Sing, the Sucha Thakoor, Kinsun Sing, Mahdoo Sing, Thakoor of Nikora, were read out to me by the Dessace, also Sirdar Sing Manjee of Mehadasun, the Peraan Jemadar. I remember these, there were also others, but I cannot recollect them.

Question—But in Aso Sumbut 1897 Thakoor Shere Sing of Loonawarra and Thakoor Kooman Sing of Doongurwarra were both alive. How came their sons to witness the deed in their own names?

Answer—The Dasee told me generally that the Doongurwarra and Loonawarra Thakoors had witnessed the deed, but did not mention their names, so I do not know whether it was signed in the names of their fathers, or their own.

Question—When you signed the deed, were any of the other witnesses present?

Answer—Karbaree Juggeewun Dessace, Roop Ram, Hurjeeewun, Thakoor Mahdoo Sing of Nikora, and Maharaj Tukt Sing—these were present, but no one else. The deed was not witnessed at one time, but the witnesses were requested to attest the paper as they attended at Ahmednuggur one after the other.

Question—Is it not usual on the occasion of adopting a son into a Raj to assemble all the Sirdars, Puttawuts, &c., in Darbar and then proceed with the adoption? Or is it customary to make the adoption in the way you have mentioned, obtaining the attestation of the witnesses as they might attend at the Darbar?

Answer—No Raj has in these provinces adopted a son, so I do not know what the custom may be.

No. VI

Question —Is it anywhere stated in the Nirunee Sindhoo *Granth* that a son being adopted into another family shall perform the *Shradh* of his natural father, and enjoy his property in the event of his being the only son, and should such be the case, then state in what other *Granth* and Shaster the opposite doctrine is to be found prohibiting the adopted son from enjoying the property of his natural father?

Answer —In the Nirunee Sindhoo *Granth* there are 12 sorts of sons recognized, and it is explained that the anniversaries of the death of the natural and adopted parent may be performed in various ways, and that an adopted son cannot marry into the family of his natural father, but of the 12 sons above stated, only *Horis* and *Dutuck* are recognized in the present Hindoo age, the remaining 10 sons are declared *Neesheelh*, or inadmissible, in the *Aul Yog*. It is nowhere written that I can ascertain that an adopted son, being the only son of his natural father, shall perform the *Shradh* and enjoy the property of his natural father.

Neither is it anywhere written that I know of that an adopted son, if the only child of his natural father, shall succeed to his father's property; but, in the event of his natural father having other children, shall forfeit all claim to such property.

Question —Is it written in the Nirunee Sindhoo *Granth* that, according to Menu, an adopted son loses all claim to the property of his natural father, but that this is only applicable when that father has other sons?

Answer —On referring to Metakshra Munio Sumerti *Dutuck* Manu Sha and *Dattuck* Chundreeka Kewahamyuk Dhurum Sindhoo and Nirunee Sindhoo, &c, and other *Granth*s, 12 sons are also mentioned, and in the present *Aul Yog* but two sons, *Owras* and *Dutuck*, are only acknowledged, the remaining being inadmissible. It is also stated that a son shall perform the *Shradh* for his natural and adoptive father. The adopted son is prohibited from marrying into the family of his natural father. It is nowhere written that, in the event of there being no other sons, the son adopted into another family shall perform the *Shradh* and enjoy the property of his natural father.

In the Vowah Myoh and Datuck Chundreeh two sorts of adopted sons are mentioned, viz., a real adoption when the son adopted into another family ceases to have any claim whatever on his natural father, and 2nd, an adoption where, at the time of making it, the natural father shall have stipulated with the adoptive father that he gives him his son, who is, however, to be considered the son of both. With such an agreement, in the event of the natural father dying without other sons, then the adopted son shall perform the Shraddh over his natural father and enjoy his property, but this rule is not applicable to the present Yag, this son of two fathers being included amongst the 10 kinds of sons declared *Neesheedh*, or inadmissible, in the present age.

Question —Is it stated in the Rajasthan, Loga Kishee Kugeahur, Purwur Mungaree Grunth, that an adopted son shall, in the event of his natural father dying without heirs, succeed to his property?

Answer —The three Grunths mentioned in the foregoing question as allowing an adopted son to enjoy the property of his natural father on his dying without other sons are not sufficiently explained to be known to me, but should it be so written in them, then I conclude from the other Grunths to which I have before referred that the doctrine quoted must apply to some of the 10 kinds of sons which are disallowed as *Neesheedh* in the present age.

Question —Can an adopted son, in the event of there being no other children, inherit the property of both fathers? Or is it anywhere written in any Shaster that, as long as an adopted child exists, no collateral relation can inherit the property of the adopted child's natural father?

Answer —It is not written in any Shaster that an adopted son can inherit the property of both fathers in the event of there being no other sons, nor that, as long as an adopted son exists, no collateral relation can inherit the property of his natural father.

The 13th April 1846

No VII

Question —In the event of any one being adopted by another, can he inherit the property of his natural father?

Answer —In the Dhurum Shaster it is thus written that an only son should not be given in adoption to another, should there be many sons, the eldest cannot be given this is the custom But in the event of the natural father losing his other son, and subsequently dying himself without heirs, then the son whom he may formerly have given in adoption cannot, on that account, according to the Shaster, inherit the property of his natural father, but in the event of the natural father giving a son into another family belonging to his own race and kindred, and dying afterwards without heirs, then the son may inherit the property as nearest heir, but not as son of the deceased, at least so it is stated in the Shaster

There are 12 kinds of sons mentioned in the Dhurum Shaster, amongst this number is one known by the name of "Dwa Mooshun" Patr, son of both fathers, viz., that at the time of the adoption the natural father shall stipulate with the adoptive father that he shall not lose his rights in his own son, who shall be considered as belonging to both, then the son under this agreement inherits the property of both fathers But this rule is not applicable to the present Yog, it is *Neesheedh*, or inadmissible Besides this, there are nine others of the 12 sons mentioned above *Neesheedh*, or inapplicable, to the present Yog, having only two sorts of sons, viz., (Owru) one's own legitimate son and an adopted son (Dutuck) There are no other sorts of sons known in this Yog, he who is given to another cannot, according to the Shaster, inherit his natural father's property on account of his former connection, because his parents (father and mother) have bestowed him on another (Ooduck Panwack) [signifying a certain form of making an irrevocable gift, or taking a solemn oath, by placing water in the palm of the hand and pressing it into that of another, or swearing by it, and then throwing it down on the ground], and he, therefore, who has been given in this way loses all connection with his natural father, both are separated from each other Thus it is written in the Samurthee Wuchun

The 21st March 1846

No VIII

Answers given to certain questions by RUGGOONATH WITTUL

Question — Can any one adopted into another and superior family, and enjoying all the rights, &c, of his adoption, lay claim to any share in the property of his natural father?

Answer — At the time of making the adoption, should any agreement between the natural and adoptive fathers be made to the effect that he is to be considered the son of both parents, then, under this agreement, the adopted son can inherit his natural father's property in accordance with the tenets of *Mjöl*, provided there be no other sons, but I have never known a case of this sort. In the event of the adoption having been made without any agreement, then the son, according to the undermentioned texts from the *Shaster*, can lay no claim to any share of his natural father's real or personal property (here follows the text from the *Shaster* written in the Sanscrit language)

Question — In the event of the person being adopted having a son, is the latter obliged to follow the fortunes of his father? And, if so, can he lay claim to any share in the property of his natural grandfather, or does he forfeit his rights therein and succeed to the rights of his father in his new family? And should this last be the case, does it involve, or not, a forfeiture of all his rights in his original family?

Answer — In the event of no agreement to the contrary, the son must follow the fortunes of his father into the new family, and on this account forfeits all claims he had, as son, to the real and personal property, &c, of his original family, and succeeds to the rights, &c, personal and real, of the family into which his father has been adopted.

Question — The three questions submitted must be replied to according to the *Shaster*, after having carefully referred thereto. It must also be stated whether, according to the *Shaster*, it is equally applicable to real and personal property, or whether any difference is made on this account.

[Here follows an extract from the *Shaster* written in the Sanscrit language, which is not understood.]

The 27th May 1815

No IX

Question —In the event of any one being adopted into a superior family, has he any claim after that to the property of his natural father?

Answer —He has no claim whatever to the property of his natural father, because he has left the race and family in which he was born and gone to another, consequently, his connection is severed therewith. Should the adopted son be young and unmarried, then he may perform the *Sootuck* (shaving the hair, removing the moustaches), he is also forbidden to marry into the family for three generations he has no other claims.

Question —In the event of the person adopted into another family having a son born prior to his adoption, does that son follow the fortunes of his father, or how? Or, should the son remain, can he inherit the property of his grandfather or not?

Answer —It is customary to adopt the son of one's brother, and in the event of his not having one, the son of your cousin, or if he is without one, the son of a more distant relation, and in the event of there being no son to adopt from the paternal race, to select one from the mother's side, and failing therein, from any other distant connection. But the son selected for adoption must be young and unmarried, and should there not be one, then one that is married may be adopted, provided he has no child.

It is thus written in the *Dhurum Sindhoo Grunth*, but in no other. It is not mentioned in any *Grunth* whatever that a person having a son can be adopted, and the *Dhurum Sindhoo Grunth* is composed of a digest of all the other *Grunths*, at least so it appears to me. He who is adopted has no claim whatever to his natural father's property, and as the claim of a son to the property of his grandfather is through his own father according to the *Shaster*, it follows that, if the father forfeits his rights on being adopted into the family of another, the son's right to the inheritance is also forfeited, at least such, according to my judgment, appears to be the correct inference to be drawn herefrom.

Question —Does the *Shaster* make any difference or exception between real or personal property (*Stawur* and *Jungum*)? Or does the

forfeiture mentioned in the Shaster extend to the whole property, whether real or personal?

Answer.—There is no separate allusion made to Stawur or Jungum, real or personal property; but taking the meaning of the Shaster into consideration, no claim can exist on either.

No. X.

From the Secretary to Government of Bombay, to W S BOYD, Esq, Political Commissioner for Guzerat,—No 2453, dated the 27th September 1812.

WITH reference to Mr. Chief Secretary Reid's letter, dated the 18th ultimo, No. 2160, regarding the right of the British Government to the Marwaree share in the Mourassa Pergunnah, which belongs to the late Rajah of Ahmednuggur, I am directed by the Hon'ble the Governor in Council to transmit to you, for the purpose of being communicated to Captain Lang, copy of a letter from the Register of the Sudder Dewanee Adawlut, dated the 19th ultimo, No. 1401, submitting replies founded on the exposition of the Hindoo Law, given by the Law Officer of that Court, to the queries put to him on certain points connected with the above subject.

From W H HARRISON, Esq, Register, to the Chief Secretary to Government, Bombay,—No 1401, dated the 19th August 1812

I AM directed to acknowledge the receipt of Mr. Secretary Wilmoughby's letter, dated 20th ultimo, No 1900, requesting the opinion of the Judges on the points therein referred as quoted below, to which I am desired to annex replies for the information of the Hon'ble the Governor in Council, founded on the exposition of the Hindoo Law, given by the Law Officer of the Court.

Question 1st.—If A. be adopted by B, and by the death of A. the family of B. becomes extinct, can the collateral relations of A, according to the Hindoo Law, succeed to the estate and property which belonged to B?

Answer 1st.—The collateral relations of A. cannot, by virtue of that relationship, according to the Hindoo Law, succeed to the estate and property of B, the adoptive father of A., on decease of the latter.

Question 2nd —Whether, in the case above supposed, does A forfeit his hereditary rights in his own family for those he may acquire in virtue of his adoption?

Answer 2nd —In the case above supposed, A does forfeit his hereditary rights in his own family for those he may acquire in virtue of his adoption

Question 3rd —Whether the blood relations of A can acquire a right to property originally belonging to the adoptive father of A?

Answer 3rd —The blood relations of A cannot acquire a right to the property originally belonging to the adoptive father of A, unless they be likewise related by blood to him, in which case they succeed according to their proximity

NO XI

Extract from a letter from the Political Agent in the Mahce Kanta to the
HONBLE JAMES SUTHERLAND Political Commissioner and Resident Baroda
—dated the 28th January 1840

I HAVE the honour to acknowledge the receipt of your letter of the 16th instant, with its accompaniments, regarding the application made by the Collector of Ahmedabad for authority to place the possessions of the late Rajah of Ahmednuggur, situated within the Honble Company's jurisdiction, under attachment, and requiring my Report on the subject. I beg, in reply, to inform you that I have great doubts of the justice of such a measure, and, as far as I am aware of the claims to which the Collector alludes, it seems to me as unnecessary, as I feel assured, with reference to the existing disputes between the Ahmednuggur and Ldur families, that it would be highly inexpedient

2 The adoption of Purtab Sing to succeed his uncle, Zulum Sing, at Mourassa, irregular as it would appear agreeably to Rypoot usage to have been, was sanctioned by the then paramount authority in this part of the country, but after his death the Mourassa Pergunnah, which is claimed, as well as Byer, as an integral portion of the Ahmednuggur Talooka by right of conquest, seems to have passed into the possession of the Ahmednuggur family as a matter of course. Prithce Sing, the

late Rajah of that talook, was, it is true, nominally adopted by his uncle, Purtab Sing, of Mourassa, but as appears in Captain Outram's letter of the 15th August 1838 on the Byer question, this was done without any appearance or plea of authority, and in a short note even without a date. That Officer annexes a translation of this writing to his Report as follows—"To my nephew, Prithce Sing, from Maharaj Purtab Sing: I of my own free will have adopted you, therefore enjoy my estate." Witness—Ramjee Wang of the Hajoor of Anund Row Gackwar and Thannadar Babjee Mahadeo

3 This occurred about 20 years ago, Purtab Sing having died in Sumbut 1876, and even if it could by any possibility be regarded as the only title by which Kurn Sing, the then Rajah of Ahmednuggur, and his son, Prithce Sing, after him, have enjoyed the revenues of the Mourassa Pergunnah during that long period, the fact of Prithce Sing, who could not, I imagine, in that case have had any right to succeed his father as Rajah of Ahmednuggur, having lived for several years, and lately died as acknowledged Chief of the combined estate, must be held as conclusive against our right to interfere at this late period

NO XII

Extract from a letter from the Political Agent in the Mahee Kanta to the Political Commissioner and Resident, Baroda,—No 57 dated the 6th February 1811

WITH reference to your letter of the 22nd ultimo, calling for my Report on the subject of the disputed succession to the Byer Pergunnah, I have the honour to inform you that, after giving this question in all its bearings the fullest consideration, I felt myself quite unable to offer a decided opinion in favour of the exclusive right of either Ldur or Ahmednuggur to the Byer Pergunnah, and having ascertained that there was every reason to believe that the Rajahs of these States met at Ldur, when Colonel Ballantine was Political Agent in this province, for the purpose of effecting an amicable adjustment of the dispute, I conceived that I should best meet the wishes of Government by obtaining information as to what then took place, and by endeavouring to persuade both Durbars to allow the question to be settled in the manner adopted by the late Chiefs

2 The hope of obtaining early possession of the whole of the Marwarra share of the Byer Pergunnah had heretofore induced both the Edur and Ahmednuggur Authorities to maintain the strictest silence regarding the meeting at Edur between Gumbur Sing and Kurn Sing, but the recognition of the right of Bree Fudjee Laul to retain the Byer revenues for her life-time, recommended in my letter of the 28th January 1839, together with the delay in obtaining any decision on their respective claims, had the effect, at least with the Edur Durbar, of considerably weakening the expectation which had been so sanguinely entertained in consequence of the decision of the Rajwarra Chiefs being so much in favour of the Edur right. I had not, therefore, so much difficulty as I expected in getting the Rancee, when I was at Edur last year, to produce the *chopra* containing the original Agreement entered into in Sumbut 1833 by Kurn Sing and his sons Prithce Sing and Tul t Sing with the late Rajah Gumbur Sing regarding the division of the Byer Pergunnah. Annexed is a translation of this document, which would have been submitted before, but for my expectation ere this to have prevailed on the Regent of Ahmednuggur to produce the counterpart of this engagement, which is beyond a doubt in his possession.

No XIII

Extract from a letter from the Political Agent in the Mahee Kanta to the Political Commissioner and Resident Baroda,—No 140 dated the 29th March 1842

In acknowledging the receipt of your letter of the 12th instant, with copies of Mr Secretary Willoughby's communication of the 7th idem and its accompaniments, on the subject of the claim advanced by Sir R Arbuthnot on the part of our Government to the Marwarra share of the Mourassa Pergunnah, I have the honour to inform you that I shall lose no time in submitting such observations as may occur to me on the Report which has been called for from that Officer when I am favoured with a copy of it, but in the meantime I beg to state that there can be no doubt that the present Chief of Ahmednuggur has a better right to the Mourassa succession than he would have to that of Edur from the present infant Rajah (simply from the closer connection that formerly existed between the Chiefs of Ahmednuggur, Moura, and Byer

in conducting their affairs, having given the three pergunnahs more the character of one than of separate Chiefships); and as I imagine our Government would never dream of disputing the right of the Rajahs of Edur and Ahmednuggur to succeed each other failing direct heirs to either, our claim to the Marwaree share of Mourassa cannot be maintained for an instant, unless, indeed, our possessing one-half of the pergunnah in right of the late Peishwa authorizes our appropriating to ourselves the other half to the exclusion of the collateral heirs (however near) of its former Chiefs, whose right is much more ancient even than that of the Peishwa to which we succeeded. Such a ground for our claim is, of course, altogether out of the question, and never seems even to have occurred to any one during the very voluminous correspondence which took place on the subject of the Ahmednuggur and Edur claims to the Byer Pergunnah, which, on this principle of excluding all but direct heirs where we are half sharers, must have lapsed to our Government on the death of its late Chief upwards of 20 years ago, the ladies of the family, of course, receiving a suitable maintenance during their life-time.

NO. XIV.

Extracts from a letter from the Political Agent in the Mahee Kanta, to the address of the Political Commissioner and Resident, Baroda,—No 306, dated the 2nd July 1812.

WITH reference to my letter of the 29th March last, replying to Mr. Secretary Willoughby's communication of the 7th of that month to your address regarding the Marwaree share of the Mourassa Pergunnah, I have now the honour to annex copy of Mr. Fawcett's reply to the reference made at the same time to Sir Robert Arbuthnot for a succinct statement of the grounds on which he considered the share of that pergunnah, which belonged to the late Rajah of Ahmednuggur, to have lapsed to our Government; and as Mr. Fawcett and myself agree in opinion as to the right of Tukt Sing to succeed his nephew in his Mourassa as well as his Ahmednuggur possessions, I need not trouble you with any further observations on that part of the subject beyond shortly recapitulating the grounds on which my opinion is founded, as

given at length in my letters of the 23th January 1810, 6th February 1811, and 29th March last

2 I must here premise that the last Rajah who held undivided sway over the Edur Talooka was Shew Sing, who died in Sumbut 1818 (A D 1791-92), leaving five sons, Bhowanee Sing, Sugram Sing, Zalum Sing, Ameer Sing, and Indur Sing. Bhowanee Sing succeeded his father as Chief, but only survived him a few days, and left his son, Gumbur Sing, the late Rajah of Edur, a minor of 10 or 12 years of age. Sugram Sing appears to have received Ahmednuggur before his father's death as his share of the family possessions, but the three other brothers remained unprovided for at Edur. After the death of Bhowanee Sing they were suspected by the Sirdars of the State of meditating some treachery against their young nephew, and having been obliged, in consequence, to leave Edur, they went to reside with their elder brother, Sugram Sing, at Ahmednuggur. With his assistance they soon succeeded, partly by force and partly by concession, in wresting the pergunnahs of Mourassa, Byer, and Ghorewarra from the young Rajah of Edur as their respective shares of the patrimonial estate, and it is in a great measure on this right, as they call it, by conquest, coupled with the circumstance of two of the brothers, Zalum Sing and Ameer Sing, having remained at Ahmednuggur with their families ever afterwards, that the several Rajahs who have possessed Ahmednuggur since Sugram Sing's death have claimed the reversion of the Mourassa and Byer Pergunnahs to Ahmednuggur on the failure of direct heirs, asserting that they all form one State and never have been three separate Chiefships, but that Zalum Sing and Ameer Sing received charge of these pergunnahs from Sugram Sing, partly, indeed, to afford them the means of subsistence, but chiefly as his Deputies or Thannadars.

3 Zalum Sing, however, was killed at Ambjana so far back as Sumbut 1863 (A D 1806-7), upon which, with the assistance of the Gackwar Government, his widow immediately adopted Sugram Sing's younger son, Partab Sing, the elder, Kurn Sing, afterwards succeeding his father as Rajah of Ahmednuggur. In Sumbut 1872 (A D 1815-16) the Edur Rajah, Gumbur Sing succeeded, through intrigue and the payment of large sums as *An irana* to the Gackwar Government and its Officers,

in getting the Mourassa Pergunnah made over to him to the exclusion of Purtab Sing, who appears to have been on the point of resorting to Barwuttya to assert his rights, when our Government succeeded to the Peishwa's share of these pergunnahs. The case was then brought to the notice of the Collector, Mr Dunlop, and by him to that of Government in a letter to the address of the Chief Secretary dated 7th June 1818. The following year, Sumbut 1875 (A D 1818-19), Purtab Sing was reinstated in his rights through that Officer and the Resident at Baroda, but he died, I believe, before reaching Mourassa, and the revenues of that pergunnah have ever since been enjoyed by Kurn Sing, the Rajah of Ahmednuggur, and after him by his son, Prithce Sing, the late Rajah, as part of the Ahmednuggur Talooka. It is true that Prithce Sing, although the eldest son of the Ahmednuggur Rajah, was either adopted or said to have been so by Purtab Sing before his death, but this was done in so* irregular a manner, as described in my letter of the 28th January 1840, and without any sanction on the part either of the Gaekwar or British Government, that it is impossible to imagine Gumbur Sing's having allowed the Ahmednuggur Rajah quietly to enjoy the Mourassa revenues on that title alone, and on whatever grounds he may have refrained at that time from prosecuting his claim, the right of Takt Sing to succeed to that part of the possessions enjoyed by his father and brother and nephew, the late infant Chief, for a period of upwards of 20 years, could not now, I humbly conceive, be justly interfered with under any circumstances

No XV.

Extract from a letter from the Political Agent in the Mahco Kanta, to the address of the Political Commissioner and Resident, Baroda,—No 453, dated the 8th September 1812

IN acknowledging the receipt of your letter of the 25th ultimo and its accompaniment from Mr. Chief Secretary Reid regarding

* I find this adoption alluded to in the following terms in the 5th paragraph of a letter from Colonel Ballantine, to Mr Chief Secretary Newnham's address dated 6th September 1811 five or six years after it had taken place — It is known to Government that Purtab Sing deceased on the road before he reached Mourassa, and the subsequent adoption of Kurn Sing of his own son to these possessions appears to have been a measure of his own which if confirmed, leaves him at all events liable to the obligation subscribed to by Purtab Sing, &c, &c.

the claim advanced by the late Collector of Ahmedabad on the part of our Government to the Marwarree share of the Mourassa Pergunnah, I have the honour to remark that although the several points therein alluded to as having been submitted for the opinion of the Judges of the Sudder Adawlut, being answered in the affirmative, would be conclusive in confirmation of the present Ahmednuggur Rajah's right to the Mourassa possessions, which have always belonged to the Marwarree share of that pergunnah, still a contrary decision of either or all of these points would not by any means be sufficient to set aside that Chief's claim, inasmuch as he urges it altogether independent of the adoption, on the ground of the pergunnah having formed a part of the Ahmednuggur Talooka ever since it was wrested by conquest from the Rajah of Edur. As to this original right, however, there is doubtless much to be said on both sides of the question, but a much stronger claim on the part of Ahmednuggur consists in the undisturbed possession of the Mourassa villages for upwards of 20 years, which, it can hardly be conceived, would have been submitted to by Edur had the Rajah of that place looked upon the very irregular and entirely unsanctioned adoption of Prithce Sing as the only ground on which Kurn Sing, the Rajah of Ahmednuggur, continued to retain possession of Mourassa after his brother Partab Sing's death. I have already, however, entered at such length upon this subject in my different letters now before Government, that I must not now trespass further on the time of the Hon'ble Board than by again recommending the settlement of their several conflicting claims, which was effected between the fathers of the present Chiefs of Edur and Ahmednuggur, as the only satisfactory basis on which a decision of the present question as far as it affects these two States can now be passed.

NO XVI.

From the Chief Secretary to Government Bombay, to W S BORN Esq., Political Commissioner for Guzerat,—No 1189, dated the 1st June 1843

I am directed to acknowledge the receipt of your letter, dated the 17th September last, No 837, forwarding copy of a communication from Captain Lang, the Political Agent in the Malhee Kantr, dated the 8th

idem, regarding the claims of the British Government to the Marwarree share in the Mourassa Pergunnah, which belonged to the late Rajah of Ahmednuggur.

2 In reply, I am desired to inform you that, under all the circumstances of the case, the Hon'ble the Governor in Council is inclined to agree with Captain Lang that the Mourassa Pergunnah should be considered as a part of the Ahmednuggur estate, and Government is of opinion that the successor to the *guddee* of Ahmednuggur now possesses a right to succeed to that of Mourassa, as well from the latter estate having been so long a part of that possession, as that Tukt Sing, the present Rajah of Ahmednuggur, being a brother of Prithce Sing, the late Rajah, is too near a relation to be set aside were even Mourassa held to be separate from Ahmednuggur.

3 The question, however, I am desired to observe, as respects the original right of Ahmednuggur to Mourassa, is not free from argument, and in recognizing the right of Ahmednuggur to that pergunnah, the Governor in Council is of opinion that Tukt Sing should be required to make such arrangements as will secure the better and more peaceable management of Mourassa, which has been so much disturbed in the joint tenure of the British Government and the Rajah of Ahmednuggur

4 You will, therefore, be pleased to instruct Captain Lang to propose to Tukt Sing the adoption of the measures suggested in the letter from the Collector of Ahmedabad, dated the 21st June last, No 2, and until a satisfactory arrangement is effected, the decision of Government in regard to the succession to Mourassa must be withheld

From the Political Agent in Kattywar, to A MALET Esq, Secretary to Government, Bombay,—No 65 225, dated the 22nd April 1817

WITH reference to your letter of the 6th November last and the correspondence which accompanied it from the Government of India regarding the claim of the Edur Durbar to the Ahmednuggur Talooka, I have the honour to inform you that, having been referred to by Captain Wallace regarding the points alluded to by the Maharajah of Jodhpore

on which further information was required from me, I sent a reply to that Officer under date the 20th November last, copy of which was forwarded with his Report to Government. I have since obtained and referred to my former letters on the subject, and can find nothing in them, or in the replies of Colonel Sutherland and Mr Greathed, received from the Government of India, on which I could throw any further light. I find, however, by a note from the Agent of the young Edur Chief in Bombay that a reply to the reference made to me is awaited before finally deciding the question, and should there, therefore, be any other points on which any further information is required from me, I shall feel obliged by your acquainting me, when it shall be furnished without delay.

2 Neither Colonel Sutherland nor Mr Greathed appear to have seen my Report of the 26th April last when their several letters on the subject were written, but I think I may be pardoned for expressing my surprise that these Officers should consider the simple denial of Maharajah Tulsi Sing in a case involving his dearest interests sufficient to disprove the very strong evidence furnished in my first Report of the antedating of the deed of Juswunt Sing's adoption, and that they should have so readily believed that I would have accused the Maharajah of such an act on light grounds, or, indeed, had there been any doubt at all on the subject, neither could they have been aware that, if the Maharajah's assertion had been true, I must have remained for two full years in ignorance as to who was the actual Chief of one of the only two talookas of any consequence under my superintendence. I need not, however, point out that our supervision of the petty States under the political control of the Bombay Government is too minute to admit of this without very culpable neglect of duty, and during this period I had frequent opportunities of seeing the Maharajah, and was always on the most friendly terms with him, my opinion of him having, from my first acquaintance with him, been most favourable.

3 What is stated in my last Report, however, regarding the claim set up by the Collector of Ahmedabad to the Marwarree share of Mourasa on the death of Prithvi Sing's posthumous son, Bulwunt Sing, will, I should hope, have satisfied Colonel Sutherland and Mr Greathed that

the account I have given of the adoption of Juswunt Sing is the correct one, as I imagine they will scarcely argue that it was such a secret affair, that the Maharajah and his Agents would have refrained from mentioning it to me, when the simple mention of it must have sufficed at once to settle the Mourassa question in their favour. The whole circumstances of the case, however, are quite notorious throughout the Mahee Kanta, and as doubts have been thrown on my account of them by such able Officers, I consider it fortunate, for the cause of justice, that the final Report on the subject has been required from my successor in the Mahee Kanta, an Officer heretofore entirely unconnected with these discussions. I am not aware of what Captain Wallace has said on the subject, but I feel perfectly convinced that only one conclusion can be come to by any impartial person reading the mass of evidence which has been produced on one side and placing against it the unsupported assertions of the interested party on the other, and that is, that Juswunt Sing was adopted by his aunt in October 1843, on the eve of his father's departure for Jodhpore, and not in October 1841, as the Maharajah wishes now to make out.

4 In the 5th paragraph of his letter of the 10th June last Colonel Sutherland states, with reference to the replies received from the several States of Rajpootana, that "little importance can, in his opinion, be attached to testimony of this kind, for in their replies the several Courts are doubtless liable to be influenced by occurrences which have taken place, or which they may suppose likely to take place, in their own line of succession." It requires but little knowledge, I think, of the Native character fully to concur in the soundness of this opinion, for there are, I fear, but few Native Durbars who would not be likely to be influenced by even less powerful considerations than those mentioned by Colonel Sutherland, but with this very necessary caution against relying too much on comparatively impartial testimony, it is surely as unjustifiable as it appears inconsistent to place such implicit confidence in the assertions of the Jodhpore Durbar in a case in which the interests of its present Chief are so directly concerned.

5 Mr Greathed in the 6th paragraph of his letter of the 6th May last, referring to the reversion of Mourassa on two occasions to Ahmednuggur, which I think I have shown to have been owing to the

intimate connection of the two families rather than to the nominal adoptions which took place particularly on the last occasion, states that, had Maharajah Tukt Sing and his sons been swept away by death, Ahmednuggur would not have lapsed to Edur, but the existence of the house would have been carried on by adoption. Government can alone decide as to what would have been the case had such a contingency happened, but I have no hesitation in expressing my humble opinion that Mr Greathed is entirely wrong in this supposition, and in my earlier letters on this subject, I think I showed very clearly that the present Ranee of Edur, on the occasion of her son's illness, several years ago, fully expected that, in the event of anything happening to him, the Ahmednuggur Rajah would succeed to Edur and I am equally certain, from what I have heard from Tukt Sing himself, that the Ahmednuggur people looked upon Edur as having the same reversionary right to any of their possessions instead of the Soor family, which is the only other to contest it, but upon which both Edur and Ahmednuggur used formerly to look down as quite beneath them. Tukt Sing's expectation to have succeeded to Edur in the event of Jowan Sing's getting Jodhpore, to which Colonel Sutherland alludes in the 12th paragraph of his letter of the 10th June last, I heard from the Ahmednuggur Karbarees, who either were at or came to Sadra after the deputation had been despatched from Jodhpore to the Mahce Kant.

6 But both Colonel Sutherland and Mr Greathed appear to go even further in their willingness to meet Maharajah Tukt Sing's wishes, and would not object to his sending his second son, born many months after he left the Mahce Kant for Jodhpore, as Rajah of Ahmednuggur, an act which, in my humble judgment, would be looked upon throughout the length and breadth of this Presidency as one of the grossest injustice to Edur. In the Mahce Kant it would be universally regarded as allowing the Maharajah of Jodhpore to do exactly what pleased him (to which, in fact, it would amount), and to trample upon Edur, after superseding it in the succession to Jodhpore, without the slightest control on the part of the British Government and nothing could, in my humble judgment, more clearly show the wisdom of allowing this case to be settled by the Bombay Government according to the policy which has hitherto been pursued towards the petty States under its superintendence, which is evidently so widely different from that adopted among

the larger and more independent States of Rajpootana a course which, if I rightly remember, Colonel Sutherland himself considered at the time of the Jodhpore succession as likely to be the one taken for disposing of the Ahmednuggur question

7 It must, I imagine, be altogether unnecessary for me to reply to the sophistry contained in the note from the Jodhpore Vakeel, in which the omissions in the deed of adoption, so evidently caused by its having been written at one time and dated at another, are attempted to be accounted for by its having been drawn out by a woman while labouring under inconsolable affliction. A glance at the deed itself, with all its technical expressions, will prove a sufficient refutation of this assertion, and the admission that what was informal in it was remedied before the Maharajah's departure for Jodhpore is doubtless owing to his having received early intimation of the deposition of several of the witnesses to its having been taken a short time before the note was written, as reported in my last letter, and the Jodhpore people seeing that they must in some way account for their statements of having witnessed the deed on the eve of the Maharajah's departure

8 Colonel Sutherland, however, considers that the adoption might have taken place at this latter period without any impropriety, or, in other words, that, after reigning at Ahmednuggur himself for two years, Tukt Sing would have been justified in restoring the succession to his predecessor's widow by allowing her then to adopt his son. If such a thing can be done, however, it must be evident that the succession to every Hindoo or Mahomedan estate might always be kept from the collateral branches of the family, however near, which I am satisfied not even the power of our Government would induce the Rajpoots in this part of the country to tolerate without resistance. It is evident, however, that the Ahmednuggur people were of a different opinion from their antedating the deed of adoption, and Tukt Sing has no reason to complain if the case is tried on the grounds on which he has himself endeavoured to place it. Colonel Sutherland, indeed, considers that the deception he attempted to practice would render him unworthy of the throne of Marwar, but I humbly conceive that the cause of justice will be amply vindicated and the impartiality of our Government sufficiently evinced by the restoration of Ahmednuggur to the young Chief of Lohur

9 The departure of one of the Edur Pattawuts, the Thakoor of Medeesun, to Jodhpore since I left the Mahee Kanta, in defiance of the wishes and remonstrances of the Edur Authorities, shows that I was not wrong in my opinion that good policy, as well as justice, requires the removal of all Jodhpore influence from the Mahee Kanta if we wish to preserve that province in peace and prosperity, and I can only, in conclusion, express my regret that in this view of the subject likewise I should feel bound to differ so widely in opinion with an Officer of Colonel Sutherland's experience and ability in such matters

From CAPTAIN R WALLACE Political Agent Mahee Kanta, to A. MALLT Esq
Secretary to Government Bombay in the Political Department—No
663 101 dated the 30th November 1846

WITH reference to your last letter, enclosing correspondence on the subject of the conflicting claims of Jodhpore and Edur to the talooka of Ahmednuggur, I have the honour to state, in reply to the queries therein put that I find, on reference to my predecessor and after a search through the records that no communication was made to Maharajah Tukht Sing of the confirmation of Government of his succession on the death of his nephew Bulwunt Sing there was no dispute and no other claimant. The affairs have been conducted ever since the demise of Prithoo Sing in the name of Tukht Sing only up to the period of his departure for Jodhpore, when Juswunt Sing's name began first to appear in the letters addressed to this Agency

2 The great length to which the correspondence on this important subject has run, reminds me to be as brief as possible in the remarks which I beg to offer on one or two points alone, which do not seem to have been hitherto noticed, or which relate more to local usage or local precedent in this province, and of which the Political Authorities in Rajpootana must, of necessity, be imperfectly informed

3 In the first place, in the Mahee Kanta adoptions, are not the purely family affairs in which no third party has a right to interfere that Maharajah Tukht Sing's Vakeel would represent them, the British Government having asserted and enforced the right to sanction or annul

them in cases of dispute. Witness the important case of Amlecara when an adoption was annulled on investigation, the Government of Bombay thus expressing its right to do so as the Lord Paramount on 11th June 1836 "In the present case no party can plead prescriptive enjoyment, the dispute commences *in limine*, and the adoption, which one party contests, *has never received the recognition necessary to render it valid*" My predecessor, writing in September 1842, a year before this case of Ahmednuggur was mooted, spoke of a former adoption of Prithi Singh into the Mourassa family as "the very irregular and entirely *unsanctioned* adoption of Prithi Singh" And here I beg to correct an error into which the Political Agent at Jodhpore has fallen, in supposing that because the Mourassa branch of the Edur family having been twice renewed by adoption, and the reversionary claims of Edur to that estate disallowed on both occasions by the united British and Gakhwar Governments, that this fact tests the non existence of those claims in right, whereas the decisions of the above Governments were founded on certain transactions between the families of Edur and Ahmednuggur, unnecessary to dwell on here, but quite unconnected with the adoptions, which were hardly noticed at all

4 I would humbly suggest, therefore, that, in default of precedents, this case of adoption remains to be judged on its own merits, and sanctioned or annulled, if, as in the case of Amlecara, it should appear "to have been conducted in an irregular or informal manner," and in this point of view it becomes very necessary to ascertain when the adoption really took place, because, if it occurred, as stated by some on the eve of Maharajah Tukht Singh's departure for Jodhpore, the intended fraud would be so transparent, that the sanction of the paramount authority could hardly be otherwise than withheld. I have read with much attention the whole correspondence on this subject, and it does not appear, to my humble judgment, that the very suspicious circumstances detailed by Captain Lang have not been by any means satisfactorily cleared up by Maharajah Tukht Singh. If the adoption took place in 1841, and was witnessed by some even only of the *soi-disant* witnesses at that time, it is remarkable that it should have remained concealed from the whole country and from the Political Agent, with whom the parties were in almost daily communication. But in addition to the evidence, internal and external, adduced by Captain Lang,

there is one circumstance not noticed (that I am aware of) that almost convinces me that the later is the true date of adoption, and as there is something in it that seems to throw a light on the whole affair, I am tempted to trace it in detail

5 Captain Ludlow's Report, dated 23rd September 1843, of the first measures taken by the Marwar Sukars towards the election of a successor to Maun Sing, mentions that on the 20th of that month it was agreed in consultation "to unite Tukt Sing and his son to this capital, as no one appeared to have ascertained to which of these personages the destinies of Marwar could best be confided. On the morning of the 22nd, however, a party, at the head of which was the principal Bhutteance Ranee, had bound themselves by solemn promises to use all their influence for introducing *the child, Jaswant Sing*, to the gudgee." The Sirdars were evidently disposed that a Chief of mature years should be elected, and in the final consultation on the 23rd the subject was considered from 9 A M till 5 P M, at length a kind of compromise seems to have taken place, and it was finally decided that a deputation should be sent to Ahmednuggur to see *Tukt Sing and his son*, and write an account of them, on receipt of which the parties with whom the election rested were to act accordingly. The Report "pronounced favourably of Tukt Sing and of his son, the former being represented to be 24 years of age, of medium stature, possessed of a good disposition, habits of business, and capacity for the high office he has been called upon to fill, his son, whom the *Majees, the Sirdars, and others wish to receive as heir apparent*, is also reported upon in terms of approbation, with the exception only of his being considered diminutive for a child of seven years of age." On the 15th October Captain Ludlow, addressing Colonel Sutherland, suggested that "the Political Agent in the Mahes Kanta should be addressed direct on the subject of the advisability of the immediate departure of Tukt Sing, the present Rajah of Ahmednuggur, to Jodhpore to assume the sovereignty of Marwar, to which he was yesterday elected by the unanimous voice of the Ranees, the Sirdars, and others who have a voice in the succession. *The Ranees at the same time invited the son of Tukt Sing as the heir apparent of the gudgee of Marwar*." Colonel Sutherland, in his letter of the 17th October 1843, acknowledging the letter from which the above extract is taken, speaks of it as reporting the "adoption

and election of *Maharajah Tukt Sing and his son* as sovereign and heir apparent of Marwar," and on the same day he wrote to the Political Agent in the Malhee Kanta to afford "every facility to the progress of *Maharajah Tukt Sing and of his son*, the sovereign and *heir apparent* constitutionally elected of Jodhpore"

6 Thus far it seems clear that the coupling of Juswunt Sing with his father in all the above instances, the one as sovereign and the other as heir apparent of Marwar, was no mere matter of form, but a necessary consequence of the compromise made between the two parties at Jodhpore, *viz*, the Sirdars and others who supported the choice of the father as a person of mature years and the Ranees who were pledged to secure Juswunt Sing on the gудdee. The reason and reasonableness of this will be apparent from the following short extract from Colonel Sutherland's letter of the 2nd May 1846 — "My impression then (1843) was, that his son, Juswunt Sing, was accompanying the Maharajah for the purpose of being adopted by the widow of Maharajah Maun Sing, since Tukt Sing himself was too old to undergo that rite." The Sirdars of Marwar were satisfied when they got a Prince of mature years to rule over them, and the election of Tukt Sing secured that point. The widow of Maun Sing could not be satisfied till a son was adopted to continue the line of Rajah Maun Sing, and the adoption of Juswunt Sing would have secured *that point also* but, observes Colonel Sutherland, "it is a question whether Juswunt Sing could have proceeded to Jodhpore to be adopted into that house in 1843, since he had been adopted in 1841 into that of Ahmednuggur." To my mind, however, the evidence that he had not been so adopted in 1841, which has been recorded by Captain Lang, is corroborated to conviction by the circumstance that it was concealed, not only from that Officer from the Malhee Kanta in general, but also from the deputation sent down for the very purpose of reporting on the eligibility of both father and son. It is almost incredible that they should not have been informed of a circumstance (or discovered it) which was so important to the wishes of the parties whom they represented as the actual adoption of Juswunt Sing into another family.

7 Moreover, Maharajah Tukt Sing surely gives very inadequate reasons for the necessity of any adoption in 1841 at all. His brother, Prithce Sing, was succeeded by a posthumous son, who died in infancy —

both circumstances, doubtless, very distressing to the widow but how permitting her to adopt Juswunt Sing could have materially consoled her does not appear. Her husband had not died childless, and there was no risk of the failure of the family when Tukt Sing, the undisputed representative of it, was alive and had a son to succeed. On neither of these grounds, therefore, was an adoption required, whereas in 1813, on the departure of Tukt Sing and his son for Jodhpore, the family really became extinct and the widow a mere pensioner. The reversionary claims of Edur were hanging over them. The retention of Ahmednuggur was a matter of the first importance to the widow, and also to Tukt Sing, for, first, it gratified the ruling passion of every Rajpoot, second, it thwarted the claims of Edur, against which the younger Ahmednuggur branch had an hereditary animosity, and third, it kept open the chance (in failure of the only intervening life) of succession to Edur also. These were objects worth a struggle, and, if he failed in them all, the Maharajah may have confidently expected that the influence of the King of Marwar would be sufficient at any future time to extricate his then only son, the heir apparent from the false position into which he had thrown him, and to reinstate him in his rights. Nor was the Maharajah too sanguine. Proposals have been already made to recall Juswunt Sing and to substitute a younger son, since born, in his place at Ahmednuggur, or to proceed to the election of a new Chief of Ahmednuggur by the Pattavuts of that State, and both these propositions have been readily seconded by the Political Authorities in Rajpootana, though the first would be a practical refutation of all their own arguments in favour of the validity of Juswunt Sing's adoption, and the second, the introduction of a new and very inapplicable mode of succession in a petty State, which has not that class of nobles and officers to which the election at Jodhpore might with safety have been confided, and where its application in the present emergency would be tantamount to permitting the Maharajah to make such nomination as might be most agreeable to himself.

S My predecessor appears to have been strongly of opinion that the retention of Ahmednuggur as a dependency on Jodhpore would be detrimental to the interests of the Mahratta Kantr, and for the following, among other reasons, I am inclined to agree with him.—First, the intermingling of the Ahmednuggur possessions with the contiguous British

Districts and the joint partnership of the Rājā and the Company in one or two talookas produce numerous references which are more readily and conveniently arranged by a Political Agent on the spot than if that Political Agent were residing at Jodhpore, and the same applies to the other surrounding possessions of other powers. Second, the feelings of hereditary animosity between the Edur and Ahmednuggur families, which would be pretty sure to break out into a flame without that constant check which a Resident Political Authority insures. Even already the influence of Jodhpore has had the effect of rendering the transaction of ordinary business with Ahmednuggur more difficult, and it has been most improperly exercised, which I must call tampering with one of the Puttawuts of the Edur State. This has given rise to a long correspondence, and notwithstanding the assertions of the Maharajah, the Thakoor Ajeet Sing of Mehdāsun is still, for aught I know, an accepted guest at the Durbar of Tukht Sing. On this subject I beg to annex extract of a letter from my Assistant, which will, I trust, satisfy the Hon'ble the Governor in Council that the representations made from this Agency were fully supported by the facts, and that the apprehensions entertained by my predecessor of the interference of Tukht Sing with the affairs of this province were entirely consonant with the event.

Extract of a letter from CAPTAIN HAMILTON, Assistant Political Agent in the Malabar District—dated Camp Malabar, the 30th November 1846

I beg to inform you that Dessaye Jugjewun, the sole manager of Ahmednuggur, waited on me at the Samlajee Fair, and in the course of conversation, which I took care should not excite suspicion, he informed me that Ajeet Sing applied for permission to proceed to Jodhpore in February last, and sent the letter through the Ahmednuggur dāk, that an answer was received from His Highness about a fortnight afterwards, together with one from Gumbur Sing, a person well known to Mr. Greathed I believe, and that those letters he (the Dessaye) had sent to the Mehdāsun Thakoor. The Dessaye also asserted that he knew from his own letters the purport of the one from His Highness to Thakoor Ajeet Sing, which was to desire him to postpone his visit till after

the ruins owing to some family causes, when he promised to try and better his condition, but that Ajeet Sing, being impatient and pressed by his creditors, went before, instead of after, the time prescribed. The Dessaye also admitted that the Maharajah wished to bestow a putta of 10,000 or 12,000 Rupees on Ajeet Sing, but that he experienced some difficulty from the Nobles of his Court, who were averse to his alienating the Crown lands to foreigners, and subsequently the orders of the Supreme Government interdicting him from entertaining the Puttawuts of the Edur State in his employ had put a stop to his intentions. He further stated that during the time the Thakoor has remained at Jodhpore he and his followers have been maintained at the expense of the Maharajah, and that in Seerpao and other presents the Thakoor has received about 10,000 Rupees

Minute by the HONBLE MR WILLOUGHBY concurred in by the HONBLE MR BLANE—dated the 5th November 1846

I hope shortly to be able to submit my opinion to the Board on this important case, as requested by our late Hon ble President

2 In the meantime I would suggest that this correspondence be forwarded to Captain Lang the late Political Agent in the Mahes Kanta, for any remarks he may desire to offer

3 With the same object it should be forwarded to Captain Wallace, the present Political Agent, and the attention of that Officer should be drawn to the assertion of Tukt Sing, that after the death of the infant Rajah of Ahmednuggur, his nephew, Bulwunt Sing, his own son, Juswunt Sing, became Chief and himself Regent of Ahmednuggur

4 He should report what his records show on this point, and whether the Political Agent communicated to Tukt Sing his recognition as Chief, and, if so, in what manner, in whose name and authority, also, the affairs of Ahmednuggur were administered during the two years which intervened between the death of Bulwunt Sing and Tukt Sing's departure for Jodhpore

5 When this has been done, I request these papers may be returned to me

Minute by the HON'BLE MR. WILLOUGHBY—dated the 27th July 1817

- I HAVE made considerable progress in a Minute on this important case, and will complete it as soon as I am able. The delay has been occasioned partly by a press of other duties, and partly by a reference which was made to the late and present Political Agent in the Mahce Kanta on the receipt of Mr Secretary Currie's letter of the 18th July 1816

Minute by the HON'BLE MR. WILLOUGHBY,—dated the 6th September 1817

IN conformity with the Board's wishes, I now proceed to record my opinion on the important question pending respecting the succession to the Chiefship of Ahmednuggur in Guzerat. I regret the delay which has occurred in the performance of this duty. This, however, has partly arisen from a press of other duties, and partly from a reference having become necessary on the receipt of the last letter from the Government of India on the subject, dated the 18th July 1816, to the former and present Political Agents in the Mahce Kanta, and from Captain Lang having from some misapprehension delayed his reply until the 22nd April last.

2 The succession to this Chiefship is contested by the present Chief of Edur on the one hand, and by its late Chief, the present Mahary or Sovereign of Marwar, on the other. The former claims it on two grounds. *1st*, by right of inheritance, and *2nd*, as a lapse reverting to the parent State in consequence of his rival's adoption and election as Sovereign of Marwar, which, he contends, necessarily involves a forfeiture of his possessions in Guzerat. The latter contends that his right to retain the Chiefship is unaffected by his removal to Marwar, but that, if this be denied, then he contends that he is at liberty to transfer it to one of his sons. The adoption of his eldest, and at the time only, son, by the widow of an elder brother, is likewise much relied upon by the Mahary in support of his claim, and this part of the question will require particular attention.

3 The question has been well and ably argued on both sides. Captain Lang, our late Political Agent in the Mahce Kanta, has

earnestly contended for the rights of Edur, the Political Authorities in Marwar, and more especially Mr. Greathed, the late Political Agent at Jodhpore, for those of the late Chief, now Maharajah of Marwar

4 The correspondence on the subject is very voluminous, and it will, therefore, perhaps, facilitate a correct and just decision if I endeavour to give a brief summary of the facts of the case, with an historical sketch of the several parties involved in the dispute, and the relation in which they stand to each other. This completed, I shall proceed to state the precise points on which the question at issue appears to me to depend, with the opinion* I have formed on each, quoting the authorities on which I chiefly rely and with the view of illustrating my remarks on the relationship existing between the Edur and Ahmednuggur families, I shall annex to my Minute the Genealogical Tables which have been supplied† to us by our Political Officers in Guzerat and Marwar, and which, I believe, are for the most part correct

5 We learn‡ from the able and accomplished author of the *Annals of Rajasthan*, the best part of whose distinguished career was passed in Rajpootana, that, on the destruction of the Rahtore dynasty of Canouj by Shihb-ood deen Mahomed Ghori, and the death of its last monarch, Jeychund,§ drowned in the Ganges in endeavouring to effect his escape, his son, or, according to some accounts, his nephew, Sheojee, with a few of his brethren, laid the foundation of the present Rahtore

* The conclusions at which I have arrived are recapitulated in the last paragraph of my Minute

† Vide Captain Lang's letter dated the 5th October 1813 and Colonel Sutherland's dated the 17th June 1813

‡ *Tod's Annals of Rajasthan* Vol I, p 88, and Vol II, pp 2 and 10

§ Alias Jaya Chandra, one of the most celebrated characters of Rajpoot History. A grant of his, dated in A. D. 1177, has been published in the 15th Vol. of the *Asiatic Researches*, p. 140. Dr. Bird, in his preface to his Translation of the *Mirabi Al-madiri*, History of Guzerat of great repute gives the following account of his death —

'The Rajah of Canouj, now the greatest Sovereign in Hindostan, prepared to revenge this wanton cruelty, and commenced hostilities against the Mahomedan possessions with 700 war elephants and 100 000 cavalry. On hearing of this movement, the Sultan immediately returned to India and effected a junction with the troops of the Viceroy. The united armies of Ghori advanced to the banks of the Jumna, when between Chanlwar and Etawah they were met by the Hindus. Here an action was fought in which the latter were defeated and Jaya Chandra slain. p. 81. Dr. Bird states that this occurred in A. D. 1191, four years earlier than the date assigned by Colonel Tod

dynasty in Marwar on the ruins of the Panharas of Nundore. This is said to have occurred about A. D. 1198, but Jodhpore, the present capital and seat of Government, was not founded until about A. D. 1409. One of the most popular of Sheojee's successors was Ajeet Sing. He had 12 sons, by two of whom, Abhee Sing and Bukht Sing, he was murdered at the instigation of the Syuds of Barab, celebrated in history as the murderers of the Emperor Ferockseer. This occurred in A. D. 1730.

6. Abhee Sing, the parricide, succeeded to the throne of Marwar * at this time Surbolund Khan was Viceroy of Guzerat on the part of the Emperor of Delhi, who in the previous year (A. D. 1729) had been obliged to cede to the first Bajee Row Peishwa the Chonth and Sir Deshmookhee of Guzerat. On this pretext he was superseded, and the Viceroyalty of Guzerat was conferred on Abhee Sing. He proceeded with a large army to take possession of his Government, and shortly afterwards caused the celebrated Pillajee Row Gackwar to be treacherously assassinated, hoping thereby to secure the expulsion of the Maharrattas from Guzerat. In this, however, he was mistaken, for Damajee Row Gackwar, having assembled a large force to avenge the death of his father, "occupied many of the principal districts in the east of Guzerat, and made incursions as far as Jodhpore." Abhee Sing, fearing for the safety of his hereditary possessions, returned to Jodhpore, leaving Guzerat in charge of his Deputy, Ruttan Sing. In A. D. 1735 Abhee Sing was superseded in the Government of Guzerat by Momin Khan. His Deputy resisted the newly appointed Viceroy, but was ultimately expelled the province by Momin Khan, aided by Damajee Row Gackwar. On the death of Abhee Sing, his son, Ram Sing, succeeded him in the sovereignty of Marwar. Three others† of his descendants ruled in succession, until in A. D. 1801 the throne of Marwar descended to the late Maharajah Maun Sing, who, after a long and eventful reign of 40 years, died at Jodhpore on the 5th September 1843, leaving no issue.

* *Grant Duff's History of the Marathas*, Vol. I., pp. 231, 232, and 233. Vol. II. pp. 107, 108. See Robert Arbuthnot's letter dated the 1st December 1850, and Captain Kelly's Report on the Princes and Chiefs of Guzerat, dated the 9th September 1842.

† 1. Bukht Sing; 2. Vajbh Sing; 3. D. Bham Sing; 4. Maun Sing.

7 The present State of Edur was founded by Annund Sing and Race Sing, two of the sons of Ajeet Sing, whose murder is alluded to in paragraph 5. Their origin is, in fact, indicated by the name of the district in which Edur is situated, "Nanee Marwar," or Little Marwar, which includes, besides Edur, Ahmednuggar, Mourassa, Hursole, and Byer.* The precise mode in which they expelled the former occupants and established themselves at Edur is differently narrated. According to Colonel Tod,† "Annund Sing was adopted into the independent State of Edur, and his issue are heirs presumptive to the throne of Marwar." According to Captain Clunes, "the Rajah of Edur, Gumbur Sing, is great grandson of Annund Sing, who was a brother of Abhee Sing, the Rajah of Jodhpore, and Viceroy of Guzerat between 1731 and 1736. Annund Sing, together with his enterprising brother, Race Sing, obtained possession of Edur about this time. Annund Sing was killed in action with the Marhattas in 1742 near his own fort Edurwara, of which this is the capital, is a mountainous and jungly country, inhabited principally by Bheels"‡ According to the Hon'ble Mountstuart Elphinstone, the Rajah of Edur in 1821 was the fifth in descent from Ajeet Sing, who reigned in Jodhpore about 100 years ago. This ancestor obtained possession of Edur about 80 years since, it was at that time a part of the Jodhpore Territory, Ajeet Sing having driven out another Rahtore Prince, who was called the "Rao," and still retains that title. Though his territory is confined to the small but strong district of Pola, in the hills between Edur and Oodeypore, he still continues his claim to Edur, and often harasses the Rajah, who some years ago had temporary possession of Pola§ according to Colonel Miles, who was for

* Captain Kelly's Report on the Princes and Chiefs of Guzerat dated the 9th September 1813

† *Annals of Rajasthan*, Vol. I, pp. 743 and 745. It is worthy of remark, however, that in a subsequent part of his work a much earlier origin is assigned. "Sheojee (the founder of the Jodhpore dynasty) had three sons; one of these, Soning, established himself in Edur. This small principality on the frontier of Guzerat then appertained, as did Mehwa to the Dabey race and it was during the maluno, or period of mourning for one of its Princes, that the young Rahtore chose to obtain a new settlement. His descendants are distinguished as the Hatondra Rahtores."—Vol. II, p. 14.

‡ *As far as Clunes's Itinerary and Directory of Western India*, p. 13; see also the same Officer's *Historical Sketch of the Princes of India*, p. 203.

§ Minute dated Lahore, the 29th February 1821, recorded by Mr. Elphinstone during his tour of Guzerat as Governor of Bombay.

several years Political Agent in Guzerat. The Raos of Edur paid tribute* to the Kings of Delhi or their Viceroys. In Sumbut 1712, A. D. 1655-56, Morad Buksh, the Soubadar of Guzerat, availing himself of family dissensions, expelled the last Rao from Edur, and placed it in charge of a Dessaye. Annund Sing and Rase Sing obtained possession of Edur in Sumbut 1775, A. D. 1718-19, being provided, according to some accounts, with an order from the King of Delhi to occupy the place. It is more probable, however, that the state of the country induced them to possess themselves of Edur, aided by their brother, the Prince of Marwar and Viceroy of Guzerat.† According to Sir R. Arbuthnot, lately Collector of Ahmedabad, "Edur originally belonged to an ancient family of Rajpoots who ruled under the title of 'Rao.' This family were conquered, or, at all events, were dependent on the Kings of Guzerat, and afterwards on the Emperors of Delhi, when

* There is abundant evidence in the *Mirabi Ahmadi*, or History of Guzerat, of the contests which occurred between the Chiefs of Edur and the Mahomedan Viceroys of Guzerat. In A. D. 1400 "an army went against Edur, at which time Zafir Khan subdued the place." In A. D. 1411 Sultan Ahmed led an army against Edur, when the Rajah, who had fled from thence, became ashamed of his actions, and, agreeing to pay a fixed tribute to the Sultan, was pardoned by him. In A. D. 1426 the Rajah rebelled, and the Sultan led another army against Edur. The Rajah, by name Punja, fled, and his head was a few days afterwards cut off by a wood cutter, who brought it to the Sultan. Sultan Ahmed's successor in A. D. 1441 also advanced against Edur, the Rajah fled, but having tendered his submission, was pardoned and gave his daughter in marriage to the Sultan. In A. D. 1513 the Rajah again became disobedient, and another expedition was sent against him, when "the Rajah, repenting of his conduct, caused the fixed tribute to be paid." In A. D. 1514 "Rao Mal, brother of Bheem Rao, Rajah of Edur, expelled his brother's son, Bhace Mal, from Edur, at this the Sultan was displeased, saying that Bheem Rao ruled Edur by his authority, and what power could Ram Sanka (Rajah of Chitore) have to appoint Rao Mal to Edur? Wherefore Nizam-ool Moolk, the Jaghiredar of Ahmednuggur, received orders to expel Rao Mal from Edur, and deliver over the country to Bhace Mal. Rao Mal continued a warfare with the Sultan's troops up to A. D. 1517, having been alternately victorious and defeated." In A. D. 1515 great commotions occurred in Guzerat in consequence of the Sultan "attaching a fourth of the province, or that part of the
 " Among the Grassias,
 " cluded. In A. D. 1573
 " Khan Aziz Koka, the
 Emperor of Delhi's Viceroy of Guzerat, proceeded against him, and in A. D. 1576 the Rajah, being overwhelmed by the multitude of the imperial army, took refuge in the mountains, but at length, advancing to give the latter battle, sustained a defeat. Edur was at the same time taken." Vide *Dr. Ford's Translation of the "Mirabi Ahmadi,"* pp. 151, 157, 191, 222, 223, 323 and 343.

† *Historical Sketch of the Family of Edur*, by Colonel Miles, for Bay records.

Guzerat became a province of the Empire, governed by a Soubadar or Viceroy. Under their rule the Chief of Edur was commonly designated the Zemindar of Edur."

Frequently rebellious, the Fort of Ahmednuggur* was built in A. D. 1426, about 16 miles from Edur, by Ahmed Shah, King of Guzerat, with the object of keeping his refractory vassal under subjection. Annund Sing, with the aid or connivance of his brother, Abhee Sing, expelled the Raos of Edur, and possessed himself of Edur, Ahmednuggur, Hursole, Byer, and Mourassa.† According to Captain Kely, the present State of Edur was founded by Annund Sing and Race Sing, sons of the celebrated Ajeet Sing, Rajah of Jodhpore, who was murdered by his second son, Bukht Sing, at the instigation of his elder brother, Abhee Sing, who, residing at the Court of Delhi, was unable to resist the tempting offers made to him, and for the Viceroyalty of Guzerat seduced his brother by the gift of the rich province of Nagpore to commit the parricidal act. The two brothers, being dissatisfied with the provision assigned to them by Abhee Sing, emigrated from Marwar, and proceeded in the first instance to Aboo. They ultimately became reconciled with Abhee Sing, and obtained Edur, then consisting of seven Mehals,‡ as a maintenance. The Rehwur tribe of Rajpoots were the original proprietors of Edur, but were dispossessed. In 1737, provoked by one of their villages having, with Annund Sing's sanction, been attacked by the Cusbattees of Edur, and availing themselves of the absence of Race Sing with all the disposable troops of Edur, contending against the Mahrattas at Borsud, the Rehwurs repossessed themselves of Edur. On hearing this Race Sing returned in haste, and after much opposition regained the place by assault.§ According to Captain Ling, "for many centuries

* In the year of the Huree 830 A. D. 1416, Ahmed Shah King of Guzerat, again carried an army against Edur, when the Rajah of that place fled before him. Sultan Ahmed followed him into the mountainous country, where he established the city of Ahmednuggur, situated 10 kos from Edur, and on the banks of the river channel, called Sabermati, and having enclosed it with a strong stone wall made choice of it for a residence.—*Dr. D. C. S. Translation of the "Mirat-ul-Ahwal,"* p. 190.

† See R. Arbuthnot's letter to Bombay Government, dated 10th December 1839.

‡ I.e., Edur, Ahmednuggur, Mourassa, Byer, Hursole, Parantya, and Versapore.

§ Captain Kely's Report on the Princes and Chiefs of Guzerat dated the 9th September 1815.

prior to the acquisition of Edur by the present dynasty, 115 years ago, it was quite a separate principality from Jodhpore, although belonging to a branch of the Rahtore family, which was driven from Canouj about the middle of the 13th century. The Mahomedans had, indeed, conquered it from its former possessors and conferred it upon Abhee Sing of Jodhpore, about the time he received the Soubadaree of Ahmedabad from the Emperor of Delhi as the reward for having caused the death of his own father. The Mahomedans, however, did not consolidate their own authority of Edur, and Abhee Sing was too suddenly summoned back to his own capital by an incursion of the Mahrattas to be able to do so. It was at this time that two of his younger brothers, fearing the parricide's attempts against their own* lives, fled from Jodhpore, and partly on the strength of Abhee Sing's claims, and partly by force of arms, finally established themselves at Edur, and their descendants have kept it ever since, but never as a dependency of Jodhpore"† Captain Lang's account is for the most part confirmed by Tukht Sing, the present Maharajah of Jodhpore, an excellent authority on all points connected with his family history where his own personal interests are not concerned. He states — "In Sumbut 1781, A. D. 1724-25, Edur, Ahmednuggur, and Mourassa were in possession of the Edurreca Rahtores, the head of whom, under the title of Rao, exercised superior authority. In that year Annund Sing and Raec Sing, two of the sons of Ajeet Sing, Maharajah of Jodhpore, emigrated to Edur and Serohi. The ruling Rao was a man of ordinary character. The Viceroyalty of Guzerat was conferred from Delhi upon Abhee Sing, and supported by the people, Annund Sing and Raec Sing possessed themselves of the afore said places"‡

* This fact is most important as it militates against the idea of the two brothers having obtained Edur through Abhee Sing. It is also placed beyond doubt by a letter dated in A. D. 1782, quoted by Colonel Tod, proving that it was Abhee Sing's intention to cut off all but his own parricidal issue from the succession and Annund Sing is therein expressly named as one who was not to be allowed "to escape a re —" *Journal of the Asiatic Society of India* Vol. II. p. 138. The letter itself will be found in the Appendix.

† Captain Lang's letter to Government dated 20th June 1843.

‡ Tukht Sing's Khureeta forwarded with Captain Ladlow's letter dated the 1st December 1843.

8. I have been thus particular in endeavouring to ascertain the origin of the present dynasty of Edur, because a question which has been incidentally raised by Colonel Sutherland,* to be hereafter noticed,† very much depends upon the mode in which the acquisition was obtained. The two brothers may very possibly have been aided in their object by the nominal claim their elder brother, Abhee Sing, possessed to Edur as the Emperor of Delhi's Viceroy of Guzerat, but beyond this the Edur family appears to me to have always held Edur by right of conquest, just as much as the Sovereigns of Jodhpore hold Marwar by a similar title. The two families are of the same class and descended from a common ancestor, but in all other respects the States they have founded are quite distinct and independent of each other.

9. To resume my narrative. In one of the numerous‡ conflicts between the two brothers and the Bhoomia, or original Rajpoot proprietors of the soil, Raee Sing was killed, leaving no issue. The surviving brother, Annund Sing, ruled about 20 years, and having established his authority over almost all the country comprehended in the modern States of Edur and Ahmednuggur, was succeeded on his death by his son, Sheo Sing. This Chief, after a reign of 40 years, died in Sumbut 1848, A. D. 1791-92, leaving five sons, the eldest of whom, Bhowanee Sing, succeeded him.

10. The death of Sheo Sing led to the dismemberment of the Edur State and to inveterate dissensions in his family, which have continued without intermission up to the present period. These dissensions were greatly aggravated by the death of Bhowanee Sing within a few

* Fide his letter to the Government of India dated the 2nd October 1813.

† Fide paragraphs 130, 131, and 132 of this Minute.

‡ Letters from Captain Lang dated the 2nd July 1813 and 18th December 1813. Colonel Miles, in the historical sketch before quoted, gives a different account of the events of this period; he states that some years after the two brothers obtained Edur, an officer in the service of Damajee Rao Gaekwar, with the aid of a body of Rahwar Rajpoots adherents of the former Raos, captured Edur and that in Sumbut 1809, A. D. 1757 Annund Sing in an attempt to recover it was killed. Raee Sing was more fortunate, and recaptured the place. On his death in Sumbut 1827, he was succeeded by his nephew, Sheo Sing, the son of Annund Sing who reigned 10 years. In other respects Colonel Miles agrees with the authorities followed in the text.

days after the demise of his father, and consequent succession* of his son, Gumbur Sing, a minor of 10 or 11 years of age. After a reign of more than 40 years this Chief died in A. D. 1833, leaving an only son, an infant only 12 months old, named Jowan Sing the present Chief of Edur. When on his death bed Gumbur Sing placed his infant son on the gode or lap of Mr Erskine, the Political Agent, signifying thereby that he formally confided him to the guardianship of the British Government. Soon after, at the request of the Ranee, his mother, Edur was placed under attachment,† and the estate has continued ever since to be managed by us on the young Chief's behalf.

11 I now proceed to notice how Ahmednuggur, Mourassa, and Byer became severed from Edur. These places formed an integral part of the Edur State for at least 50 years after it came into the possession of the present dynasty, or until about A. D. 1784. "It is only about 50 years (observes Captain Lang‡) since Mahary Sheo Sing, who enjoyed the united principality, died. A few years before his death he assigned Ahmednuggur as a maintenance to his second son, Sugram Sing. Soon after his death disputes arose in the family, and Ahmednuggur has since been held as a separate State." Although I have myself little doubt that Ahmednuggur was conferred by Sugram Sing in putta § and that, when the grant was originally made, Sugram Sing became a Puttawut, or subordinate Chief of Edur, it may at once be conceded that, favoured by Gumbur Sing's minority, the Chief of Ahmednuggur soon became practically independent of Edur, as I shall have occasion to show more fully in a subsequent part of my Minute. In 1821 Mr Elphinstone observed ||—"Besides the Rajah's and Rao's Puttawuts, there are three other Chiefs whose territory is included in the principality of Edur, though in reality

* There is some discrepancy of opinion as to the precise date of his accession. Sir R. Arbuthnot (letter dated 10th December 1852) states it occurred in Sambat 1810 A. D. 1783. Colonel Miles in his historical sketch of the Edur family fixes it in Sambat 1812 A. D. 1795.

† Captain Lang's letters dated the 18th December 1843 and 20th June 1845.

‡ Letters dated 21st July 1842, 6th November 1843 and 20th June 1845.

§ Both Colonel Miles in his historical sketch drawn up in 1841 and Captain Feily in his Report on the Princes and Chiefs of Guzerat designate Ahmednuggur as a "putta," or feudal grant by a superior Chief to his vassal.

|| Minute as Governor of Bombay dated 10th February

they are almost entirely independent of that Government, *viz*, Ahmednuggur, Mourassa, and Byer, yielding a revenue of Rupees 30,000. The Chief of Ahmednuggur was always rather a rival than a support to the head of the family, and the Mourassa Chief, with most of the Puttawuts, established their independence during the long minority of the Rajah."

12 On Gumbur Sing's accession circumstances peculiarly favoured encroachments against the parent State. Sugram Sing had three brothers,* who were dissatisfied in consequence of no provision having been assigned for their support, and to which within reasonable limits they were, according to Rypoote usage, undoubtedly entitled. Being suspected of a design against Gumbur Sing's life,† they were expelled from Edur by the Sirdars and Puttawuts of the State, and sought an asylum at Ahmednuggur. Here, coalescing together to extort a provision from their nephew, and aided by Sugram Sing, one brother, Zalum Sing, partly by force and partly by concession, established‡ himself at Mourassa, and another brother, Ameer Sing, in like manner, obtained Byer. These acquisitions, however, were not made without a long contest between Gumbur Sing and his uncles, or without frequent attempts on the part of the former to recover them. Finally, however, a reconciliation was effected on terms very disadvantageous to Gumbur Sing, and the Edur principality has ever since been separated into four divisions, *viz*, Edur, Ahmednuggur, Mourassa, and Byer, and it will readily be imagined why the Chiefs of Mourassa and Byer have always made common cause with

* Zalum Sing, Ameer Sing, Indur Sing.

† Captain Kelly states, 'at the instigation of Sugram Sing they conspired against the life of their nephew. They were detected on the information of a slave girl, and were expelled from Edur. — (Report dated 9th September 1813.)

‡ Captain Lang in his letter of the 20th June 1813 observes — 'The great grandfather of the present Chief of Edur bestowed Ahmednuggur on his second son as a provision, and Mourassa and Byer were only wrested from the parent State during the infancy of

his father's death. Disturbances occurred on that event, and it was supposed that Sugram Sing and his brothers intended to murder their nephew and seize Edur. They were expelled and retired to Ahmednuggur, from which place, taking advantage of Gumbur Sing's minority, Zalum Sing seized Mourassa and Ameer Sing Byer.

Ahmednuggur against the parent State, Edur. Hence a very intimate connection existed between the three brothers, so much so, that when Sugram Sing died, Zalum Sing assumed the guardianship of his son, Kurn Sing, and, on his arriving at manhood, placed him in charge of Ahmednuggur *

13. The third brother, Indur Sing, who was born blind, did not succeed in obtaining a separate settlement, he returned to Edur, and received, in the first instance, the village of Wussye for his support, which was afterwards exchanged for that of Soor and three other villages. At a later period the Edur share of the Ghorewarra Putta was made over to him, which caused the Thakoor of Ghorewarra to go out into Bharwuttva, and this again led to the Edur share of the putta being exchanged for the village of Jamlecaree. His family, consisting of four sons,† are still dependent on the parent State, but their income does not exceed three or four thousand‡ rupees per annum, with which they are much dissatisfied. In fact, about the time of Tukt Sing's transfer to Jodhpore, the two youngest were about to become Bharwuttva, but desisted from their intention under the hope and expectation of obtaining a suitable settlement. Notwithstanding their poverty, they are entitled to the distinction of being called "Maharajah." They have always rather sided with Ahmednuggur than with Edur, and when Tukt Sing became the Sovereign of Marwar, Humeer Sing accepted service from the Ahmednuggur Durbar, which has increased the distrust formerly entertained by the Edur Authorities against the family.

14. Sugram Sing, Chief of Ahmednuggur, died in A. D. 1798,§ and was succeeded by his eldest son, Kurn Sing, who at the time of his father's death was only 11 years of age. His uncle, Zalum Sing, constituted himself his guardian, and, obtaining by his influence the aid of the Mahrattas, enabled him to resist the efforts made by Gumbur

* Captain Keily's Report on the Princes and Chiefs of Guzerat, dated 9th September 1843.

† Humeer Sing, Nar Sing, Sardar Sing, and Bheem Sing.

‡ Captain Keily's Report on the Princes and Chiefs of Guzerat, dated 9th September 1843.

§ Captain Keily's Report on the Princes and Chiefs of Guzerat, dated 9th September 1843.

Sing, during his minority, to bring Ahmednuggur under the subjection of the parent State. Kurn Sing died in A. D. 1835, leaving two sons, Prithce Sing and Tukt Sing, the present Sovereign of Marwar. The former succeeded to the Chiefship, but died in A. D. 1839, leaving one of his widows *eniente*. Tukt Sing became the *de facto* Chief of Ahmednuggur, but was superseded *de jure* by the birth, a few months afterwards, of a posthumous son,* who was recognized by Government as heir to his father, Tukt Sing being declared regent and guardian† during his minority. This infant, however, dying in A. D. 1841, Tukt Sing, as next of kin, became the *de facto* as well as *de jure* Chief of Ahmednuggur, and was duly recognized as such by the British Government in that capacity up to the period of his removal to Jodhpore.

15 Having thus given a brief account of the Ahmednuggur branch of the family, I turn to that of Mourassa. In Sumbut 1863, A. D. 1806-7, Zalim Sing, having accompanied a Gaekwar force, sent against the powerful Cooiy Chief of Amleeara, who had rebelled, was killed during the operations against that place. Being childless, Mourassa ought, according to custom, to have reverted to Edur as a lapse on failure of heirs. The case, however, was peculiar. The deceased Chief had just lost his life in the service of the Gaekwar Government, and his widow, Ranee Chuoreejee, was permitted to adopt Purab Sing, the second son of Sugram Sing, and a younger brother of Kurn Sing, the Chief of Ahmednuggur, "the ceremonies of adoption being performed and the khillat of investiture conferred by an officer named Bapoo Kishnee" on the part of His Highness the Gaekwar as Lord Paramount. The allowing of this adoption was a great hardship on the Chief of Edur, whose minority, however, favoured the arrangement. Nevertheless, it was strenuously contested by Gumbur Sing, who maintained‡ that Zalim Sing had only a life interest in Mourassa, and that that estate now reverted to him as *Patee*, or head of the family. At first his remonstrance

* Born on the 23rd May 1840 and died on the 23rd September 1841—*vide* Mr. Malet's letter dated the 17th June 1840.

† Chief Secretary Re d a letter to the Resident at Baroda, dated 31st August 1840.

‡ The Chief of Edur further asserted that the practice of adoption was not allowable, or at all events, that, if allowed, he, as *Patee*, ought to have been consulted.

appears to have been successful, for in Sumbut 1872, or A D 1815-16, eight years after Zalum Sing's death, the adoption of Purtab Sing was annulled, and orders actually issued for the restoration of Mourassa, Byer, and Meghury to Gumbur Sing on payment of a large nuzzurana to the Gaekwar and his officers

16 In the following year the British Government by right of conquest succeeded to all the rights and possessions of the Peishwa in Guzerat, and in these were included a half share of Mourassa and Byer Our local officers ascertained that Purtab Sing was about to resort to Bharwuttia to recover possession of Mourassa, which had been sequestered by the Gaekwar To preserve the peace of the country thus threatened, the Government interfered, and the question of Purtab Sing's adoption having been referred to the Shasters and declared legal, orders were obtained, through the intervention of the Resident* at Baroda and Collector of Ahmedabad, from the Gaekwar confirming the adoption, and directing that he should be reinstated in his rights This occurred in Sumbut 1878, or A D 1818 19, but before Purtab Sing could reach Mourassa he died, and the place devolved in consequence to his elder brother, Kurn Sing, Chief of Ahmednuggur Maharaj Maun Sing of Jodhpore is stated also to have declared† in favour of the legality of Purtab Sing's adoption, which was likewise acknowledged by Kurn Sing in a letter‡ addressed to Zalum Sing's widow, dated the 5th Bhadur Sood Sumbut 1864, A D 26th August 1808 I shall hereafter have occasion again to refer to Purtab Sing's adoption, as it is much relied on by the Political Authorities§ in Marwar in support of Tukt Sing's claim to be permitted to retain Ahmednuggur by the same process

17. On the death of Prithi Singh, on the 6th December 1839, a discussion fortunately occurred, which elicited much valuable information bearing upon the present dispute, which, from having been

* Mr Dunlop's (Collector of Ahmedabad) Report dated June 1818 Colonel Ballantine's Report dated the 6th September 1814 and Captain Lang's letter dated July 1810

† *I*de Appendix B to Mr Greathed's Report dated the 24th October 1810

‡ This will be found in Appendix B No 5 of the Report above quoted

§ *I*de Mr Greathed's Report dated 24th October 1810 and Colonel Sutherland's Reports *passim*

recorded before it commenced,* is free from the suspicion of having been coloured to suit the views of either party. This discussion originated in a claim advanced by the Collector of Ahmedabad, founded on the circumstance of the adopted line in Mourassa having become extinct to the Marwarree share of Mourassa, which, he contended, reverted as a lapse to the British Government as Lord Paramount. This claim was strenuously resisted by Captain Lang on behalf of the Ahmednuggur family. The discussion, of course, terminated on the birth of Prithee Sing's posthumous son, but was renewed by the Collector on his death, and, after considerable correspondence, Government, though it admitted the question, was not altogether free from doubt, waived its claim, and decided† that Tukht Sing should be permitted to retain the Marwarree share of Mourassa in conjunction with Ahmednuggur. The correspondence on the subject will hereafter be again referred to.

18 This seems a convenient place to notice a circumstance of great importance connected with the present dispute, which appears to have entirely escaped the observation of our Political Officers in Marwar, and to have only been very slightly dwelt upon by those of Guzerat. I refer to the fact that both the litigant parties in this case are tributary Chiefs either to the Gaekwar or British Government. In the sequel I shall show that this fact alone is entirely destructive of Tukht Sing's claim to retain Ahmednuggur in virtue of the alleged adoption of his eldest son.

19 When, as I have before stated, Abhee Sing abandoned Guzerat for the defence of his capital in Marwar against the Mahrattas, his two brothers, after the expulsion of his Deputy, managed to maintain possession of Ldur and its dependencies, Ahmednuggur, Mourassa, Hursole, and Byer. From A. D. 1735 to 1755, during which the province of Guzerat was conquered by the combined forces of the Peishwa and the Gaekwar, these Princes valorously maintained an incessant struggle for their independence, but were finally compelled to succumb to the superior

* The claim was first advanced in December 1839; Government finally decided against the Collector in June 1843 and the present dispute commenced in October 1843.

† In the Captain Lang's Reports dated the 25th January 1840 and 11th July 1841 and 11th December 1843 and for the final decision of Government Mr. Chief Secretary Peile's letter dated 1st June 1843.

power of their adversary. By an Agreement entered into at Poona between the Peishwa (Rugoonath) and the Gaekwar, the Edur Territory was partitioned between them, and in this manner each obtained a moiety of the villages of Mourassa, Byer, and Hursole; the Kusbahs, or chief towns of the district, being equally divided. A different policy was, however, pursued by each party towards the conquered. The Peishwa at once took possession of his share, and stationed Thannahs in the chief towns for the maintenance of his authority. The Gaekwar, on the other hand, abandoning the territorial claim, permitted the Edur Chief to retain his share, subject to the payment of an annual peishcush, or tribute. This, in the first instance, fluctuated in amount, but in A. D. 1812 the amount was fixed in perpetuity under the guarantee and through the mediation of the British Government at Rupees 24,001* annually. Deducting, however, Scaipao, or present made on payment of this tribute, and some other petty remissions, the net amount received by the Gaekwar is reduced to Rupees 21,866, of which one-fourth is paid by the Rajah and the remaining three-fourths by his Puttawuts, or feudal Chiefs. The present revenue† of Edur falls something short of

* Captain Keily states it was first raised to this amount in 1802 in consideration of aid afforded to Edur by the Gaekwar against the Pahlunpore State—Report dated 9th September 1843 The Mahrattas had previously obtained a cession of a moiety of the Edur Revenues from Sheo Sing, who was unable to resist a large force which invaded Edur under Damojee Row Gaekwar Sheo Sing died in A. D. 1791

† Captain Keily in his Report of the 9th September 1843 gives a higher estimate "The revenues of Edur," observes this Officer, "amount to about Rupees 4,00,000, exclusive of its dependencies, Ahmednuggur and Mourassa, but the Rajah's share does not amount to more than Rupees 1,00,000 to 1,50,000 The remainder is allotted to Chiefs who hold of him under the Rajpoot designation of Puttawut on condition of military service and a small pecuniary payment. Besides these Chiefs, eight in number, who are all Rahtores like the Rajah, whose ancestors accompanied him from Jodhpore, there are between 20 and 30 Puttawuts of the Raos of Pole, who hold lands of the Rajah originally on tenure of military service, which is now commuted into an annual tribute payable to the Rajah. These Chiefs are of the Rajpoot and Cooly sects"

The Hon^{ble} Mr Elphinstone gives the following estimate of the resources of these places in his Minute before quoted, dated the 28th February 1821 —

	<i>Revenue</i>	<i>Tribute</i>	<i>Armed Adherents</i>
Edur	1 75 000	21 001	6,000
Ahmednuggur	50 000	5 001	1,500
Mourassa	30 000	7,301	2,500

Mourassa consists, besides the town of that name, of the villages of Galat and Wanyaad, of which the British Government possess a share of the annual value of Rupees 4 000,

7 lakh of rupees annually, that of Ahmednuggur does not exceed Rupees 40,000 per annum, of which Rupees 8,000 is paid as tribute, inclusive of that which is due from Mourassa and Byer. These two last named places were included in the Peishwa's share of Guzerat under the Partition Treaty entered into in A. D. 1755. The Gaekwar, therefore, had no claim to levy tribute from Mourassa and Byer, but the Peishwa having farmed his share of Guzerat to the Gaekwar, he during the lease established a claim to tribute, or rather usurped the right to do so, and when we succeeded to the Peishwa's Territories, our authorities overlooked the above engagement, and recognized this unjust claim before the usurpation was detected, and although it was subsequently challenged, it was wisely held that we are in good faith now bound to continue payment of this tribute.

20 It has already been stated (paragraph 12) that Ameer Sing, one of the sons of Sheo Sing, established himself at Byer. This Chief died in Sumbut 1879, A. D. 1823, leaving no son, but two daughters. On this event the reversion of Byer was claimed both by Edur and Ahmednuggur, by the former, because it originally formed part of the Edur State, and ought, therefore, on failure of heirs, to revert to it as a lapse, by the latter, because it was not granted as a maintenance, but had been obtained by conquest. This dispute was investigated by our Political Agent in the Mahes Kanta, and in Sumbut 1883, A. D. 1827, an Agreement* was concluded settling all the disputes then existing between Edur and Ahmednuggur. By this Edur relinquished all claim to Mourassa, which was to be exclusively enjoyed by Ahmednuggur, and Byer was to be divided between them in the proportion of two thirds to Edur and one third to Ahmednuggur, the parties at the same time consenting to defray the marriage expenses of Ameer Sing's two daughters and to grant an annual allowance to their mother. In reality, however, this settlement was never carried into effect, and in 1833 Ameer

* whom also is vested the entire civil and criminal jurisdiction. The Rajah however, collected direct his share of the revenue and this has been a constant source of disturbance. See also Collector Lawrence's letter dated the 21st June 1819 and Mr. Chief Secretary Walloughly's Summary dated the 21st February 1811.

* See Captain Lang's letter dated the 6th February 1811 to which copy of this programme is appended. On the part of Ahmednuggur it was signed by Iraj Kurn and his two sons Irtileh Sahib and Talt Sahib.

Sing's widow wrote over the whole of Byer to the Rajah of Edur on the sole condition that he would support her daughters. In the meantime one daughter died, and as the Rajah of Edur did not perform his part of the contract, the widow with the surviving daughter proceeded to Ahmednuggur and wrote over the estate on the same conditions to the Rajah of that place. The widow then died, and the possession of Byer being again contested by Edur and Ahmednuggur, the estate was in 1837 sequestered* by the British Government, since which the produce of the Marwaree share, averaging about Rupees 5,000† per annum, has been paid to Bhaee Phudjee, the daughter of Ameer Sing, and will continue to be paid to her during her life-time.

21 Neither the Mourassa nor Byer Chiefs having left male issue, the possession of these places still continued to be disputed by the Edur and Ahmednuggur Chiefs up to the present day,—Edur asserting her right to them as a lapse to the parent State, and Ahmednuggur partly in virtue of an adoption by the widow of the Mourassa Chief of a member of the family to be hereafter‡ noticed, and partly as having with its aid been wrested by force from Edur §. The daughter of Ameer Sing, Bhaee Phudjee, has likewise preferred her claim to dispose of Byer as she pleases, but by the customs of Rajahs then this claim is inadmissible, since, according to Rajpoot usage, a female cannot succeed to an estate in her own right. The Rana of Oodeypore and the Rajah of Pertabghur have both decided in favour of the claim of the Rajah of Edur as the head of the family, but the discussion on the subject terminated in the death of Maharajah Maun Sing and the election and adoption of Tukht Sing as his successor in supersession of the Rajah of Edur, the elder branch of the family. The eventual succession both to Mourassa

* 1 De Capta u Lang's letter dated the 18th December 1843

† From the last Annual Report of the Political Agent dated the 29th April 1844 the receipts and expenses of Byer during the last four years were as follows —

	Es	A	P	Es	A	P
1841-42	3	03	8	10	2	68
1842-43	6	84	0	4	6,553	0
1843-44	4	73	4	3	41	0
1844-45	5	7	6	10	5630	3

‡ See paragraphs 69, 84 and 85 of this Memoir

§ See Capt. Lang's letters dated the 2nd July 1843 and 18th December 1843

and Byer has, consequently, merged in the claim of Edur to succeed to the whole Ahmednuggur principality consequent on the above event

22 These historical sketches, imperfect as they are, will facilitate the decision of this question, they are chiefly compiled from information recorded previous to the commencement of this dispute. In many particulars, however, they are confirmed by information which has been furnished by Tukt Sing himself. In his first khureeta* he states — “Rao Sing died childless. Annund Sing had one son, named Sheo Sing, who had five sons, 1st, Bhowanee Sing, 2nd, Sugram Sing, 3rd, Zalum Sing, 4th, Ameer Sing, 5th, Indur Sing. The present Chief of Edur is grandson of Bhowanee Sing. The second son, Sugram Sing, had two sons, Kurn Sing and Purtab Sing, and the former succeeded to Ahmednuggur. The third son, Zalum Sing, settled at Mourassa, and having no son, adopted Purtab Sing. Hence in the course of time Kurn Sing became Chief of three places, Ahmednuggur, Mourassa, and Byer. He had two sons, Prithce Sing and myself.” The accuracy of Captain Lang’s account of the mode in which Edur became separated from Ahmednuggur is likewise confirmed,† except that he dates the event a few years earlier. “Sheo Sing, the son of Annund Sing, conferred the Pergunnah of Ahmednuggur on his second son, Sugram Sing my great grandfather, in Sumbut 1830, A. D. 1773-74, seventeen years before his death.” He adds, however, that “each of Sheo Sing’s sons exercised sovereignty in his own dominions according to his judgment and unfettered discretion, each being independent of the other.”

23 I now proceed to notice the circumstances under which, contrary to general expectation, and, as it appears to me, contrary to the laws and customs of Ryasthan, Tukt Sing, the late Chief of Ahmednuggur, became, by election and adoption, Sovereign of Marwar, in supersession of Jowan Sing, the present Chief of Edur.

24 Maun Sing, Maharajah of Jodhpore, died on the 5th September 1813,‡ he had no surviving issue, and neglected, according to

* 1. The Captain Fullow’s letter dated the 13th December 1813.

† Tukt Sing’s second khureeta dated the 6th October 1814. Appendix B to Mr Crail’s Report dated the 21th October 1815.

‡ Captain Fullow’s letter of this date.

Colonel Tod, the first duty of a Rajpoot Prince, to nominate his successor. The character* of the deceased Sovereign sufficiently accounts for the omission. During his long reign he was more than once subject to mental despondency, bordering on insanity. He neglected the affairs of Government, and finally became a religious recluse, or devotee. The death of his only son, Chuttur Sing, in 1817-18, aggravated his disease, and his mind never recovered from the effects produced by that bereavement. Towards the close of his reign his insanity was manifested in various ways. In June 1843 he abandoned his capital, and to the great embarrassment of the British Government virtually abdicated his Government. On this occasion our Agent in Rajpootana was informed by Mr. Secretary Thomason, in a letter dated the 23rd June 1843, that "the Governor General has long come to the conclusion that insanity alone could be the cause of the Maharajah's strange conduct, and since His Highness avows that he has come to the same conclusion himself, it is to be hoped that the Thakoors will at once proceed on that supposition *to place his rightful heir on the Guddee* and provide for the administration of affairs during the minority; every proper provision being made for the maintenance of the insane Maharajah in all the respectability and comfort he can be induced to accept."

* The following extracts from *Colonel Tod's Annals of Rajasthan*, Vol II, page 150, are illustrative of the peculiar character of Maun Sing —

"The loss of Deonath appeared to affect the reason of Rajah Maun. He shut himself up in his apartments, refused to communicate with any one, and soon omitted every duty, whether political or religious, until he was at length recommended to name his only son, Chuttur Sing, as his successor. To this he acceded, and with his own hand made the mark of inauguration on his forehead. But youth and base panders to his desires seduced him from his duties, and he died."

"The premature death of his only son, before he had attained the years of majority, still more alienated the mind of the Rajah Maun from all State affairs, and his suspicions of treacherous attempts on his person extended even to his wife. He refused all food, except that which was brought by one faithful menial. He neglected his ablutions, allowed his face to be covered with hair, and at length either was or affected to be insane. He spoke to no one, and listened with the apathy of an idiot to the communications of the Ministers, who were compelled to carry on the Government. By many it is firmly believed the part he thus acted was feigned to escape the snares laid for his life, while

25 On the death of Maun Sing, the succession to the throne of Marwar was contested by the Rajahs of Edur and Ahmednuggur. Both these families are descended from that of Jodhpore, but by reference to the Genealogical Tables annexed to this Minute, it will be seen that the Jodhpore line having become extinct on the death of Maun Sing, and the latter not having adopted a successor, Jowan Sing, the Chief of Edur, as a representative of a senior branch* of the family, had a preferable right to succeed than Tukt Sing, the representative of the junior branch. Jowan Sing, in fact, was next of kin to Maun Sing, and ought, according to Hindoo Law and custom, to have succeeded to his inheritance. Nevertheless, his opponent, Tukt Sing, was, within a few days after Maun Sing's death, unanimously elected by the Ranees and Sirdars of Jodhpore as their Sovereign, and he was at the same time invited to bring with him his eldest son as heir apparent.

26 I shall now show how this unlooked for result was brought about, premising with a brief allusion to the proceedings of the Government of India, when Maun Sing was still alive, for the settlement of the Jodhpore succession. Captain Ludlow, the Political Agent at Jodhpore, in a Report† on the affairs of that State generally, observed that Maun Sing was under an impression that the British Government might place on the Guddee of Marwar "a child of three years of age of the house of Ahmednuggur, whom the Maharajah has named as his heir." This is the first intimation I have been able to trace of an intention to select an heir from the Ahmednuggur family. The child alluded to was, of course, Tukt Sing's son, and it is not difficult to perceive why he was now for the first time thought of, for we learn from the same Report that in the month of February 1843 an Agent had arrived at Jodhpore, deputed by Tukt Sing, to endeavour to prevail over the superior claim to the Guddee of the Chief of Edur, who obtained an interview with Maun Sing, and was well received by the Maharajah. On the

* Both are descended from the Jodhpore family in the fourth generation. The Ahmednuggur branch, however, is descended from a younger brother. The fathers of both of these, Captain Lang "were full blooded cousins of the late Maharajah Maun Sing. Jowan Sing and Tukt Sing are therefore second cousins. — Captain Lang's letters date 11 May 1844 and 20th June 1845.

† Dated 11th May 1843.

receipt of this Report the Governor General's Agent in Rypootana was requested to state his opinion on the relative claims of Idur and Ahmednuggur, with the remark* that "the Governor General was under the impression that the right of the house of Idur was recognized by all parties" Colonel Sutherland, in replying to this reference, reported that when, some years before, Maun Sing was bent on abdicating, and was urged to name his successor, he had said, "the right of succession lay with two boys who had lived in comparative obscurity near Nagore," the lineal descendants of Annund Sing, son of Guy Raj, and the elder brother of the famous Juswant Sing, by whom he was supplanted. From this he implied that Maun Sing meant that one of these boys might be adopted, though up to that time he had understood *the right of succession rested in the Idur family* On a later occasion, however, or in March 1842, Maun Sing informed our Agent, Captain Ludlow,† that "*the succession lay in the house of Idur,*" and in a circular‡ addressed to the Governor General, the Maharajah actually announced his abdication "*in favour of a descendant of the house of Idur*" Up to this time Colonel Sutherland had never heard of the pretensions of "the child of three years of age belonging to the house of Ahmednuggur," and concluded that the idea had merely been started "to frighten us with the prospect of a long minority" The question of the succession was shortly afterwards again raised by the extraordinary proceedings of Maun Sing, amounting to insanity, alluded to in the 21th paragraph of this Minute, and a Report§ was drawn up by Captain Ludlow showing that the "*Rajah of Idur is nearer of kin to Maharajah Maun Sing than the descendants of Annund Sing,*" and which, when forwarding it to Government, Colonel Sutherland remarked,|| contained

* Mr Secretary Thomason's letter to Colonel Sutherland dated the 9th May 1843

† Vide the Officer's letter dated the 26th March 1842

‡ Dated 7th March 1842

§ Letter dated 11th June 1843

|| Letter dated 17th June 1843 The information was obtained from Thakoor Bhabut Singh the Pundit Thakoor Singh Nath of the Namaj family, Rao Rajah Padhi Mul, the Vakeel, and other persons and was illustrated by a Genealogical Table of the House of Jodhpore commencing with Maharaj Guy Singh It is worthy of notice that in this Table *Lakt Singh's son is erroneously represented as an adopted son*

"the most authentic information that could be procured, *and shows that the right of succession lies in the Flur House*" On these Reports the Government of India observed that they indicated "the Maharajah's mind was so completely alienated by his religious bigotry as to make it evident that the Chiefs will ere long be compelled to adopt measures for carrying on the Government without him and treating him as a Sovereign who has abdicated. To provide for this crisis, therefore, it was necessary to ascertain who is the legitimate successor to the Maharajah, acknowledged as such, not by the Maharajah alone, who appears to have changed his mind, or, at least, to have named two different individuals, but by the great body of the Chiefs"* Two days afterwards, however, Colonel Sutherland was informed,† "the claim of the house of Edur appears to be the first, and as such to be supported."

27 From these extracts it seems to me manifest that up to the period of Maun Sing's death the Governor General had not contemplated the election and adoption of a successor to the exclusion of the rightful heir, and that not only His Lordship, but also Colonel Sutherland and Captain Ludlow, had on several occasions decidedly recognized the claim of the young Chief of Edur to succeed Maun Sing as his next of kin. The Governor General, moreover, appears to have had an hereditary succession in view up to the 14th October 1843, or for six weeks subsequent to Maun Sing's death, for on that date, in reference to the pretender, Dholul Sing, His Lordship remarked "his presence cannot fail to postpone the settlement of the Marwar Territory *and to impede the tranquil succession of the rightful heir*" Colonel Sutherland also gave a decided preference to the claim of Edur in a letter‡ dated two days after Maun Sing's death. "Although (he observes) repeatedly urged thereto, the Maharajah has unfortunately died without following the example so lately set him by the Maharana of Oodeypore of adopting a son, and Marwar has now no Sovereign. The Maharajah has at various times named three families in which the right of succession lies 1st, that of Mahary Guy Sing, 2^d, that of the Edur family, 3^d, that

* 1st Mr. Secretary Thomson's letter dated the 21st June 1843

† 21st dated the 23rd June 1843

‡ Colonel Sutherland's letter to Captain Ludlow, dated the 7th September 1843

of Ahmednuggur *No doubt the succession lies in the Edur House, and thus the information furnished through your letter of the 12th June from the most authentic sources at your command went fully to establish. The descendants of either house are, except in the important matter of right, equal in our estimation, for it is impossible to say which will produce the best Ruler, the oldest of them, the Edur boy, being, I believe, in his 14th year*"

28. To these strong and repeated recognitions, it may be added that Colonel Tod, who was for many years our Political Agent in Rajpootana, invariably advocated the Edur Chief's right to succeed Maun Sing. In allusion to the "foul and monstrous murder* of the Rajah Ajcet Sing in A. D. 1750 and the misfortunes in which Marwar became involved by that parriidal act," the annalist of Rajasthan feelingly predicts the ruin of the Rahtore race, "unless a scion from the uncontaminated stem of Edur be grafted on it," adding in a note, "the heir of Edur is heir presumptive to the Guddee of Marwar"† In another place, looking forward to Maun Sing's death, he observes, "the policy which such views would suggest is to support the opinion of the vast majority of the Rahtores, and to seize the first opportunity to lend at least our sanction to an adoption from the Edur branch of Rahtore blood not only uncontaminated, but heir presumptive to Joda, and exclude the parriidal line, which will continue to bring misery on the country" * * * "Jealousy, feuds, and bloodshed will be the consequence, which would at once be averted by an adoption from Edur. Were a general Council of Rajpoots to be convened in order to adjust the question, nine-tenths would decide as proposed"‡

29. Had the estate in dispute been situated, like Edur, in Guzerat, and not in Marwar, there can be no doubt that the question at issue would have been decided according to hereditary right. It happens,

* Vide paragraph 6 of this Minute

† *Annals of Rajasthan*, Vol. II, p. 114

‡ *Ibid*, Vol. II, p. 161. In another place (Vol. II, p. 136) the author exclaims—
'Then the issue of Alice Sing would have utterly perished and their ashes might have been given to the winds and no memorial of them left. Edur must then have supplied an heir

however, that a different custom prevails in Rajasthan, namely, that when a Sovereign or Chief dies without issue, and without naming a successor, the succession is determined by the suffrages of the Chiefs of the State and the choice of the widow of the deceased Prince in other words, the former elect and the latter adopts a successor I shall here, therefore, show under what general rules vacancies are in this manner filled up, and prove, what will in the sequel be seen is of vital importance, that the person elected must be adopted, and that, if election is unaccompanied by adoption by the customs of Rajasthan, the whole transaction becomes invalidated

30 The author of the *Annals of Rajasthan* informs us —“A Chief of Meywar, like his Sovereign, never dies, he disappears to be regenerated Neither the Crown nor the greater fiefs are ever without heirs Adoption is the preservative of honours and titles The great fiefs of Rajasthan can never become extinct” * In another place the same author states †—“Adoptions are often made during the life of the incumbent when without prospect of issue The Chief and his wife first agitate the subject in private, it is then confided to the little Council of the fief, and when propinquity and merit unite, they at once petition the Prince to confirm their wishes, which are generally acceded to So many interests are to be consulted, that the blind partiality of the Chief to any particular object is always counterpoised by the Elders of the clan, who must have a pride in seeing a proper Thakoor at their head, and *will prefer the nearest of kin* to prevent the disputes which would be attendant on neglect on this point On sudden lapses the wife is allowed the privilege, in conjunction with those interested in the fief, of nomination, though the case is seldom left unprovided for There is always a presumptive heir to the smallest sub-iefudation of these States The wife of the deceased is the guardian of the minority of the adopted”

31 The ordinary rules of succession are still more forcibly exemplified in the following extracts †—“Rajah Juggut Sing left no issue, legitimate or illegitimate, and no provision had been made for a successor during

* *Annals of Rajasthan* Vol. I p. 120

† *Id.* Vol. I p. 120

‡ *Id.* Vol. II p. 36

his life But as the laws of Rajpootana, political or religious, admit of no interregnum, *and the funeral pyre must be lit by an adopted child*, if there be no natural issue, it was necessary at once to inaugurate a successor, and the choice fell on Mohun Sing, son of the Ex Prince of Nurwur As this selection, in opposition to the established rules of succession, would, but for a posthumous birth, have led to a civil war, it may be proper to touch briefly on the subject of heirs presumptive in Rajpootana, more especially those of Jeypore On the demise of a Prince without lawful issue of his body, or *that of near hundred, brothers or cousins*, there are certain families in every (Raj) principality of Rajwarra in whom is vested the right of presumptive heirship to the *Guddee* In order to restrict the circle of claimants, laws have been established in every State limiting this right to the issue of a certain family in each principality Thus in Meywar the Elder of the Ranawut clans, styled 'Babas,' or 'the infants,' possesses the latent right of heir presumptive, in Marwar the *independent house of Edur of the family of Joda*

"The fief* of Pokum, the most powerful (though a junior) branch of the Chumpavut clan, adopted a son of Rajah Ajeet as their Chief, his name was Devi Sing The right of adoption, as has already been explained, rests with the widow and the Elders of the clan Why they exercised it as they did on this occasion does not appear, but not improbably at the suggestion of the dying Chief, who wished to see his Sovereign's large family provided for, having no sons of his own, or the immediate claimants may not have possessed the qualities necessary to lead a clan of Maroo, although the moment such adoption takes place, 'when the turban of the late incumbent encircled the new Lord of Pokum,' he ought to forget he had any other father than him he succeeded Yet we can easily imagine that in the present case his proximity to the throne was continually forced upon his recollection by the contentions of his parricidal brother and their offspring for the 'cushion' of Marwar It exemplifies another feature in Rajpoot institutions which cut off this son (guiltless of all participation in the treason) from succession, because he was identified with the feudality, while the issue of another and a junior brother, at the same period adopted into

the independent house of Idur, were heir presumptive to Marwar, may must supply it with a Ruler on failure of heirs, though they should have but one son, and be compelled to adopt in his room”

32 Another case is cited by Colonel Tod in which the prescribed rule of selecting for adoption the nearest of kin was not observed, and in such terms as to establish that the exception proves the rule

“The Chief of Deoghur, one of the 16 Omraos of Meywar, died without issue. On his death bed he recommended to his wife and Chiefs Nahar Sing for their adoption. This was the son of the independent Chief of Jungramghar.” There were nearer of kin in the 7th and 8th degrees, and young Nahar was in the 11th—the nearest of kin, however, were not fit persons to succeed. “Two had become mere bores, and of two who had sought service abroad, one was a cavalier in the retinue of the Prince, the other a hanger-on about Court, both dissipated and unfitted, as the frerage asserted, to be ‘the Chieftains of 2,000 Rypoots, the sons of one father.’ Much interest and intrigue was carried on for one of these. The Puttawuts, however, were firm, and ‘bound round his head the turban of the deceased.’ The Rancee was highly and justly incensed, but was ultimately pacified, and Nahar was brought to Court and invested with the sword by the hand of the Sovereign, and he is now Lord of Deoghur Madaum, one of the richest and most powerful fiefs of Marwar”*

33 At the commencement of this dispute Colonel Sutherland’s views in respect to the rules of succession in Rajasthan coincided in several important particulars with those of Colonel Tod. In December 1813 the Governor General’s Agent raised and disposed of the following question—*first*, whether selection amongst the Rahoories be by election, and *second*, if so, what is the limit of the elective franchise? To this he replied,†—“I think that within certain limits it is elective, the right of election lying with the feudal Chiefs and the brethren of the

* *Annals of India* Vol I p 192. I have given the above extracts at length, as they have an important bearing on the question which will soon come under consideration, namely, Tukit Sing’s right to retain Ahmednugur after his removal to Jodhpore.

† The letter to the Government of India dated the 2nd December 1813.

late Sovereign, who will, too, always consult and co-operate in this important matter with his widow or widows,* *since to render the measure complete, the senior widow has to adopt as her son the person so elected.* Colonel Sutherland, however, differs from Colonel Tod in one respect, namely, that although the person elected and adopted by the deceased must be descended from a common ancestor, he need not of necessity be next of kin, but, on the contrary, may be the most remote, in proof of which he cites an example, which is stated to have recently occurred in the Rahtore principality of Kishenghur.†

34 It was clearly, also, Colonel Sutherland's intention, in the first instance, that the customs of Rajasthan should be observed in electing a successor to Maun Sing, for in a letter‡ addressed to the Government of India only three days after the demise of that monarch, he recommended that, on the occasion of adoption or naming a successor, there should be as full an attendance of the Chiefs as could be secured, and after referring to the different candidates, he suggested "that the widow with whom the right of adoption lies should be encouraged to take to her arms, from the house in whom the right of succession lies, a son and heir to the throne of Marwar"

35. It was unfortunate, therefore, for the Rajah of Edur that Colonel Sutherland was absent from Jodhpore at the time of the election, for, notwithstanding the vast superiority of his claims, Tukht Sing, the Chief of Ahmednuggur and representative of the junior branch of the family, prevailed, and in less than two months after the death of Maun

* I would call particular attention to the passage I have underlined, for in the subsequent correspondence it will be seen that Colonel Sutherland asserts that Tukht Sing was not, and from his age could not have been, adopted by Maun Sing's widows!

† The Rajah of Futtehghur, a feudal Chief of the principal ty, was the nearest of kin, and claimed the succession on behalf of his son, but the Chiefs of the State elected, and the widow adopted, the 4th son of the 4th brother of the Futtehghur Rajah who was, of course 15 removes further from the throne, according to our views of the rights of primogeniture, than the eldest son of the Futtehghur Rajah. The election and adoption were considered perfectly valid throughout Rajpootana, and the adopted child now reigns. The British Government did not hesitate to recognize a Sovereign so constitutionally chosen, though the election and adoption were made without reference to us of necessity, since amongst Rajpoots the King or head of the house, never dies.

‡ Letter dated 6th September 1843

Sing was, in contravention of the usages of Rajasthan, peaceably enthroned on the Guddee of Marwar. This result is easily to be accounted for. Tukt Sing had for upwards of seven months been actively employed in securing the prize, whilst his rival, the minor Chief of Edur, was lulled into a fatal security in consequence of having been placed under the guardianship of the British Government, and therefore, not unreasonably, expecting that his interests would be properly cared for and protected.

36 The death of Maun Sing aroused the Edur party to exertion. The Ranee of Edur immediately addressed* Government claiming the succession as the undoubted right of her son, Jowan Sing, and stating that she looked to Government to protect his interests. Her appeal, however, came too late, Tukt Sing's Agents† had been for some months before diligently engaged in promoting his cause. The effects of their exertions soon became manifest. In the beginning of October it was announced‡ that a large deputation was on its way from Jodhpore to escort Tukt Sing's infant son, or, as some said, Tukt Sing himself, to Marwar. This elicited from the Ranee a strong protest against her son's birth right being "so unceremoniously usurped by a younger branch of the family, the more especially as, many years ago, a negotiation had been entered into for the adoption of an elder son of the late Rajah of Jodhpore on the death of Maun Sing's only son." The Ranee further resolved to send a mission to Jodhpore to advocate her son's claims. But this measure was adopted too late, and it returned to Jodhpore on the 10th November 1843. Soon after she added threats to her well founded remonstrances by declaring§ that any attempt to remove Tukt Sing to Jodhpore would bring on a collision. The Rane, however, was prevented from resorting to violence by the judicious counsels and warnings

* Jodhpore letters dated the 27th and 30th September and 3rd October 1843

† Resident at Baroda's letter dated the 11th October 1843

‡ Letter from Captain Lang dated the 21st October 1843

§ Ranee's letter dated 6th October 1843. "I rely on Government to preserve to my son the right to protect my son's interests. I have renounced all quiet; but now the deputation from Jodhpore having arrived and preparations being made to take away Tukt Sing's son, I cannot allow them to do so; and if the Rajah of Ahmednuggur uses force it will certainly lead to a collision."

of our Political Agent, but at the same time Captain Lang warmly espoused* the Chief of Edur's cause, observing that his supersession would be considered in Guzerat "as an act of great injustice, and produce a more injurious effect, as far as our Government is concerned, from his being looked upon as specially under our guardianship," which had hindered his mother and other influential parties from pushing his interests on Maun Sing's death, as the opposite party had so effectually done. The Political Agent at the same time suggested† that neither Tukt Sing nor his infant son should be removed to Jodhpore until the question had been finally decided by the Supreme Government.

37 All these representations, however, proved fruitless, and Tukt Sing was elected and adopted Sovereign of Marwar, and his son at the same time invited to accompany him as heir apparent. It is here necessary that I should narrate the particulars of this event in detail, in order to show that the election of the father as Sovereign and the son as heir apparent were one and the same act, and to prove beyond doubt that Tukt Sing was adopted as well as elected, since the adoption has subsequently been denied ‡. In thus occupying the Board's attention, I am only preparing the way for a just decision on the question of the disposal of Ahmednuggur and its dependencies, which very much depends on the fact of an adoption, with all its necessary consequences, having occurred, and that Tukt Sing's son should follow his father's fortunes.

38 On the 29th September 1843 Colonel Sutherland reported that, "as was to be expected, the last declaration of the late Maharajah in favour of the Mourassa and Ahmednuggur House had influenced all parties in the State on fixing a successor from that family, and that confidential persons on behalf of the ladies of the zenanah and of the Chiefs and principal Officers of the State were about to be deputed to Ahmednuggur." He at the same time forwarded a paper, concurred in by all parties, resolving "to invite Tukt Sing, the Rajah of Ahmed-

* Letter dated 7th October 1843

† Letter to Captain Ludlow dated the 7th October 1843

‡ Namely, in Colonel Sutherland's letters to the Government of India dated the 2nd and 16th May 1846

nuggur, and his son, Juswunt Sing, to Jodhpore, with the understanding that either the one or the other would be nominated to the vacant *Guddee*," one party in the State being in favour of the selection of a minor, and another favouring the election of a person of mature years. On the 15th October the Political Agent at Jodhpore reported* that on the previous day Tukt Sing had been elected Sovereign of Marwar by the unanimous voice of the Ranees, the Sirdars, and others who have a voice in the succession, and that the Ranees had at the same time "*invited the son of Tukt Sing as the heir apparent of the Guddee of Marwar*," and intimated his intention to submit afterwards documents prepared by the Ranees and Sirdars with his further Report "*on the subject of this adoption*" These addressed by the widows of Maharaj Maun Sing, the Sirdars and Mootsuddes to Maharaj Tukt Sing, announced His Highness's *adoption and election*† to the vacant Guddee of Marwar, and were forwarded on the same date to His Highness, accompanied by a khureeta from the Political Agent inviting him to the capital to assume the Government in anticipation of the Governor General's recognition. In reply to this communication, Colonel Sutherland offered his cordial congratulations on the happy event "*of the adoption and election*" of Tukt Sing and of his son as Sovereign and heir apparent of Marwar, "and at the same time requested Captain Lang to afford the Maharajah and his son every facility in their progress to Jodhpore as Sovereign and heir apparent constitutionally elected in succession to the late Maharaj Maun Sing." About this time Tukt Sing announced to Captain Lang the arrival of the Mission from Jodhpore and the receipt of a *khis*

* Letter from Captain Ludlow to Colonel Sutherland Agent to the Governor General in Lajporena.

† The chief portion of the information contained in this paragraph is taken from a letter from the Resident at Bureh dated the 21st October 1843 and enclosures. The election and adoption of Tukt Sing is also thereby admitted by Colonel Sutherland in his letter to the Government of India dated the 21st December 1843 where he also accuses "two questions of delay and difficulty likely to arise out of the late election and adoption of Tukt Sing to the sovereignty of Marwar which he entered upon because the *real election and adoption* were made by the Chiefs of the State and the widow of the late Maharaj in communication with him as Agent to the Governor General of India. The drift of this letter is to establish that Tukt Sing's election and adoption was in all respects constitutional the more especially as he is of mature age, and interest in India cannot be ascribed to those who elected him. In May 1840 however, we shall find Chakrabarti in the company of the Maharajah and his son, Juswunt Sing, at Jodhpore.

Rookla, or Royal note, from the Maharances *adopting him*, and requested an escort of horse for his protection. This request was immediately complied with, and measures adopted to frustrate any attempt on the part of Edur to impede his progress. The Maharajah, leaving* Ahmednuggur on the morning of the 20th October, entered his future capital on the evening of the 29th, and immediately afterwards occupied Maun Sing's palace and assumed† the sovereignty of Marwar. This election and adoption was immediately confirmed by the Government of India, who, in ratifying the arrangement, observed‡—"Although Edur is admitted to be the nearest, yet the ladies and sirdars having unanimously elected from the Ahmednuggur branch, the Governor General in Council is of opinion that it is not expedient for the British Government to interfere in the matter."

39 This part of the question, therefore, having been finally decided by the supreme authority in India, it may be asked, why I have troubled the Board with these details? In reply, I beg to state that I have no desire to re open the question of the succession to the throne of Marwar, for, however unjust the decision must be viewed, as it affects the young Chief of Edur, it must, I imagine, be considered final and irrevocable. As already observed, however, these details will not be found irrelevant to the question now to be decided in regard to the disposal of the Ahmednuggur Chiefship, which in some measure depends on the fact of whether Tukt Sing was adopted or not. They also afford us an instructive lesson that questions of such grave importance ought not to be decided with haste and without a knowledge of all the facts necessary to arrive at a just conclusion, for I cannot avoid concurring in Captain Lang's opinion,§ that, had all the circumstances of the case been known to the Government of India, the Chief of Edur's claims would have received its support. At first sight, indeed, it appears unaccountable how those

* Report of Venak Row, Captain Lang's head barkoon deputed to accompany the Maharajah.

† Captain Ludlow's letter dated the 20th and Colonel Sutherland's letter dated the 31st October 1843.

‡ Mr Under-Secretary Edward's letter dated the 4th November 1843.

§ Captain Lang's letter dated 20th June 1844 paragraphs 9 to 11, in which the injustice suffered by Edur is warmly commented on.

claims were superseded. For a long period this Chief had been recognized* as heir presumptive to the throne of Marwar by the Political Authorities in that Province and by the Governor General of India up to the very day of Tukt Sing's election. He had also been named† among others by Mahary Maun Sing as his successor, and it will add to our surprise when I make it apparent that his rival's election and adoption‡ was carried in direct opposition to the rules under which, according to the best authorities, such election ought to be regulated. The circumstances in which the two candidates were placed, however sufficiently, account for what would otherwise be so incomprehensible. Tukt Sing, an active and intelligent young man of 24 years of age, was able to look after his own interests, and by zealous agents deputed to the spot was enabled to secure his election. On the other hand, Jowan Sing, a minor of 12 years of age, and under the guardianship§ of the British Government, adopted no measures to secure his rights, in vain reliance that the power which had constituted itself his guardian would fulfil the obligation always implied in such a trust. The Edur party did, indeed, desire at one time to depute an agent to Jodhpore before Maun Sing's death, but Captain Lang, in ignorance of the discussions which were at that very moment going on regarding the Maharajah's abdication, unfortunately discouraged this step || We cannot

* Vide paragraphs 28 to 29 of this Memoir, Captain Ludlow's letter dated 12th June 1813, Colonel Sutherland's letters dated 4th and 17th June 1813, and Mr. Secretary Thomason's letters dated 29th May and 14th October 1813.

† Tukt Sing had also been named by Maun Sing, but at a period when the monarch was a confirmed maniac.

‡ The following extract from Captain Keily's Report dated the 9th September 1813 thus accounts for the preference given to Tukt Sing —

‘ In 1813 Maun Sing died without issue. This led to numerous intrigues, which in the end led to the adoption of Tukt Sing, to the exclusion of Fidar, the senior branch of the family. Perhaps the success which attended the Ahmednuggur intrigues may be attributed to the supineness of the Fidar Durbar, who, trusting to the protection afforded by the attachment, may have neglected to use the means necessary to conciliate those interested in the adoption at Jodhpore.

§ I have before mentioned that, on Gamber Sing's death, his estate was, at the Pance's request, attached. ‘ Hence (observes Captain Lang) when the question of the Jodhpore succession commenced, the Rajah's affairs being directly managed by the British Government, the Durbar appear to have adopted no measures to forward their claim, but relied on Government. — Letter dated the 14th December 1813.

|| Letter dated 20th June 1813, paragraph 11.

know for certain the means by which Tukt Sing succeeded, for the secrets of the zenanah are hid from us. Captain Lang has recorded* his reasons for believing that it was effected by intrigue and bribery; and the Rane of Edur attributes† it partly to the same cause, and partly to the influence of one of Maun Sing's widows, who is related to Tukt Sing's mother,—a very probable cause, if such relationship really exists. Captain Ludlow,‡ on the other hand, assigns the following as the reason for the rejection of the Edur Chief —“An objection was raised against the Edur Chief, originating, I believe, in offence conceived by the late Maharajah against that house, in consequence of an attempt having been made by the Edur Rajah of the time to become the successor to the *Guddee* of Marwar on the demise of the Konwar Chuttur Sing.” It will, however, be seen from the extract§ that, although it is very probable that this pretext may have been raised by the party in Tukt Sing's favour, it is highly improbable that any such feeling existed in Maun Sing's mind, even were such a supposition not contradicted by the fact that, as late as June 1843, the Maharajah himself named the Edur Chief as his successor.

39A In support of my opinion that Tukt Sing was elected contrary to the established customs of Rajpootana, I must now refer back to the 29th to 33rd paragraphs of my Minute, wherein it is shown, on the best authority, or that of the late and present Agents to the Governor General in that province, that the custom of election in default of heirs

* Letter dated 20th June 1843, paragraph 9

† Letter to Captain Lang, dated the 30th September 1843. She makes the same assertion in a letter to the Bombay Government dated the 19th May 1844, and names the person alluded to as the “Buttyanajee widow.”

‡ This Officer thus describes father and son —“Tukt Sing is represented to be 24 years of age, of medium stature, possessed of good disposition, habits of business and capacity for the high office which he has been called on to fill, added to which advantages his personal appearance is stated to leave nothing to desire. His son whom the Majees wish to receive as heir apparent, is also reported of in terms of approbation, with the exception only of his being considered diminutive for a child of seven years of age.” —Letter to Colonel Sutherland dated 15th October 1843.

§ On the death of Chuttur Sing in 1817-18, “the Pokurn faction, dreading Rajah

is founded on the law of adoption prevailing among the Hindoos generally, and that, although usage, no doubt founded on political consideration, warrants the rejection of unfit persons, though nearest of kin, the claims of propinquity ought not to be disregarded where no cause of disqualification exists. In the present case, however, not only have these claims been totally disregarded, but a most decided cause of disqualification exists against the party who has obtained the preference. I concur with Colonel Sutherland in his remark,* that in cases of succession to Chiefships precedents may be quoted for almost everything. I also am of opinion that such cases ought not to be governed strictly and literally by the principles of the Hindoo law of adoption. I shall hereafter have occasion to refer to some of the requirements of this remarkable law, at present it will be sufficient to observe, in the words of Colonel Sutherland, that in cases where the succession is decided by election, "to render the election complete, the senior widow has to adopt as her son the person so elected." Under the most liberal interpretation of the law of adoption, it will scarcely be contended that, under any circumstances, an adult of 24 years of age, himself a parent, can be deemed eligible for adoption. Nevertheless, this is the precise position of Takt Sing, and my averment, therefore, that he was elected contrary† to the customs of Marwar, is proved.

40 The anomaly of the case has not escaped Colonel Sutherland's notice, but has involved this distinguished Officer in a serious inconsistency and contradiction. In the course of the discussion which followed

* Letter to the Government of India dated 2nd December 1843. The following extract from this letter is of importance —

According to this view of the question the election and adoption of Rajah Takt Sing to the sovereignty of Marwar is in all respects constitutional and it has this merit over most elections and adoptions that Takt Sing is of a mature age and those concerned in this important measure are not like the Kachenghar Authorities and the authorities in most other cases open to the reproach of having adopted the youngest member of the family in order to secure power to themselves during a long minority.

† The following extract from Colonel Sutherland's letter to the Government of India, dated the 7th September 1843 proves that in another respect the election of Takt Sing, was opposed to the customs of Marwar —

But it will be for the Chiefs and people having the right of regulating such questions to decide whether the forms of adoption shall be had recourse to or whether in decided cases forms are in accordance with Hindoo law and usage where a authority in this respect is wanting on the decided authority or whether in the absence of such authority it remains for them to sanction the legitimate hereditary Sovereign. At the same time I

Tukt Sing's election, the absurdity of the widow of Maun Sing adopting, or, in the words used by Colonel Sutherland, "taking to her arms," a grown-up man of 24 years of age, appears to have struck that Officer; and in order to get rid of the difficulty, and unmindful of his previously recorded opinions that Tukt Sing and his son had been "constitutionally elected and adopted," he has since maintained that Tukt Sing was only elected and not adopted. If this be really the case, I need not observe, on Colonel Tod's and his own showing, Tukt Sing's election to the sovereignty of Marwar becomes absolutely null and void. This remarkable denial of Tukt Sing's adoption will be found in Colonel Sutherland's letter,* in which he observes — "Tukt Sing succeeded to the sovereignty of Marwar just before I left Rajpootana. At the time I was under the impression that his son, Juswunt Sing, was with him for the purpose of being adopted by the widow of Maharaj Maun Sing, *since Tukt Sing was himself too old to undergo that rite*," and in a subsequent letter the assertion is repeated,† "*the father (Tukt Sing) was too old to be adopted*."

41. It may very fairly be inferred that the parties who elected Tukt Sing were fully sensible of the anomalous proceeding on their part in totally disregarding the custom of their own country and State and the principles of the Hindoo law of adoption when they selected for

recommended Government to interfere as little as possible until those in whom the election rests have failed or a breach of the peace is likely to arise from such failure or when either or both parties appeal to our mediation. 'Here, it will be observed, the right of appeal by either or both parties was admitted by Colonel Sutherland previous to the election, and I confess I have never been able to understand why we were obliged to turn a deaf ear to all the appeals and remonstrances of the Edur party against the injustice they have suffered."

* To the Government of India dated 2nd May 1846. It is worthy of remark that Tukt Sing, no doubt aware that the validity of his election depends upon his also having been adopted, does not himself repudiate his adoption. The position he takes up, and on which he founds his right to retain Ahmednuggur, is that an adopted son does not forfeit his natural father's estate, which, I need scarcely observe, is directly contrary to the Hindoo law of adoption.

† Colonel Sutherland's letter to the Government of India dated the 16th May 1846. Shortly after Tukt Sing's "election and adoption" were reported by this Officer, he was compelled by ill health to proceed to the Cape of Good Hope. The letters from which I here quote, denying the adoption, were written soon after his return to Rajpootana, and it is only fair to state that when the first was written Colonel Sutherland had not with him all the correspondence which had passed on the subject. When, however, the second letter was written, all the documents connected with the case appear to have been in his possession, which renders the contradiction the more inexplicable.

their purpose a person of mature years, and therefore disqualified for adoption, and it is exceedingly probable that, in order to relieve themselves in part from the embarrassment in which their selection involved them, Tukt Sing's son was named heir apparent to the Jodhpore throne. Be this, however, as it may, I shall endeavour hereafter to show that it would be a great injustice to prevent Tukt Sing to benefit by one part of the arrangement and to annul the other, merely because he considers it opposed to the present interest of his family—he has gained the higher prize in a most irregular and unconstitutional manner, and ought cheerfully to resign the lesser to his less fortunate rival.

42 Some apology may be due for having thus long tarried on the threshold of my subject, but the great importance* of the case under discussion is pleaded as my excuse. I shall now proceed to consider the real question at issue, namely, the disposal of the Ahmednuggur Chiefship and its dependencies. In entering on this question, I must, in the first place, express my entire concurrence in the opinion† of the Hon'ble Court of Directors, that, in settling the succession to Ahmednuggur, "the opinions and usages of Guzerat should be constituted as the standard of judgment," which I interpret to signify that the question should be decided on the principles which usually regulate successions in Guzerat. The Chiefship in dispute is situated in Guzerat, and if by the customs of this Province the Rujah of Ldur is entitled to succeed, he should be placed in possession. It would, indeed, be hard to this Chief if, after having been deprived, under the alleged customs of Marwar (though, as shown in a preceding paragraph, these have not been followed), of what in Guzerat would have been his undoubted and undisputed birth right, he should also now be deprived of Ahmednuggur under any other customs than those of Guzerat. The rule prescribed by the Hon'ble Court is manifestly so equitable, that I do not consider it requisite to notice in detail

* This is admitted by all parties. Colonel Balthurst in his letter to the Government of India dated the 2nd May 1840 states:— It is one of first rate importance. In as far as establishing a precedent under our supremacy; and Captain Laing in his letter of the 20th June 1841 remarks:— It is the most important question we have been called on to decide since we obtained the management of the Mabeo Kanta.

† This is contained in a despatch to the Government of India dated I believe the 19th March 1841. It is not on the records of this Government, but I learn the fact incidentally from the correspondence between the Government of India and the Political Authorities in Marwar, accompanying Mr Secretary Currie's letter dated the 27th January 1846.

the objections which have been raised to it by Tukt Sing, and to a minor extent by the Political Authorities in Marwar. These, however, will be found in the documents,* in case those with whom the final decision of the question rests desire to refer to them. Mr Greathed seems to think that in a case of this kind the customs of the two provinces must be the same, but Captain Lang has clearly shown† that in some respects they essentially differ, and, consequently, that an appeal to the opinions and usages of Guzerat is not, as Mr Greathed supposes, equivalent to an appeal to the opinions and usages of Rajasthan.

43 When Captain Lang became aware of Tukt Sing's election and his son's nomination as heir apparent, considering that the Ahmednuggur *Guddee* had thereby become vacant and must revert as a lapse to Edur, he sent trustworthy persons to take charge of the estate and to prevent disturbances which were apprehended, and he suggested that Tukt Sing's election should not be formally recognized as Sovereign of Marwar until Government had decided how Ahmednuggur‡ should be disposed of. The Political Agent was quite justified in adopting this course, which, in cases of disputed successions on this side of India, is the usual mode of procedure,§ and I think it is to be regretted that the sequestration was interfered with. The Government of India (of 1843) directed the withdrawal of the persons deputed by Captain Lang, unless they were required to protect the State against any hostile movement from Edur, and at the same time directed that Edur and Ahmednuggur should both be warned that the British Government would not permit any reference to arms of the differences between the two families ||

44 The Bombay Government had always viewed favourably the claim of the Edur Chief to succeed, on Maun Sing's death, to the

* Mr Greathed's (Political Agent at Jodhpore) letter, dated the 21th October 1843, and a Khareeta from Tukt Sing enclosed therein, dated the 6th October

† Letter dated 26th April 1846

‡ Letter dated the 20th October 1843

§ It would also appear to be so in Rajasthan. "Hence it may be pronounced that the grant of an estate is for the life of the holder, with inheritance for his offspring in lineal descent or adoption with sanction of the Prince and resumable for crime or incapacity; this reversion and power of resumption being marked by the usual ceremonies on each lapse of the grantee of *sequestration* (*Zukt*), of relief (*huzzerana*), of homage, and investiture of the heir.—*Annals of Rajasthan*, Vol. I., p. 167

| Letter from Mr Secretary Currie, dated the 13th November 1843

Guddee of Jodhpore, and when he was superseded, this Government was still more strongly disposed to recognize* his claim to the reversion of Ahmednuggur. All further discussion of the subject terminated on the receipt of a letter from the Government of India peremptorily directing† that “instructions should be issued to discontinue the correspondence, the continuance of which can only tend to keep up excitement in the States of Edur and Ahmednuggur,” coupled with the remark that “the question was one of general policy to be decided by the Supreme Government” The Government, considering‡ this order as tantamount to a positive interdict against continuing the controversy, and which it was bound to obey, the Political Authorities in Guzerat were instructed accordingly The reluctance, however, with which this Government abandoned what it held to be a just claim on the part of a Chief peculiarly entitled to its protection, is sufficiently manifest from the extract§ from the Board’s Minute dated the 23rd, and letter founded thereon addressed to the Hon’ble Court of Directors on the 30th December 1843.

45 This Government remained under the impression that it had placed a right construction on the orders of the Government of India of the 14th December 1843 until March 1845, when the discussion was revived under the following circumstances —On the 18th January 1845 the Chief of Edur petitioned Government that Ahmednuggur might be restored to him “in consequence of Tukt Sing having taken possession of the *Guddee* of Jodhpore, in manifest violation of memorialist’s rights of seniority.” This appeal was forwarded to the Government of India

* In August 1845 the Board recorded an opinion in favour of Edur on grounds of policy, equity and justice —His letter to the Government of India dated the 26th September 1845

† Mr Secretary Carnes letter dated the 11th December 1843

‡ The order was similarly interpreted by the Resident at Baroda, who considering the question to be finally closed kept back from Government, until the 9th February 1845, Captain Lang’s very important communication on the Ahmednuggur question, dated the 18th December 1843 and which was not, therefore, forwarded to the Government of India until the 21st February 1845

§ “As both Edur and Ahmednuggur are under the authority of this Government, and as the interests of the former Chief and the welfare and peace of a district under our control, heretofore extremely difficult to manage are materially involved in the question whether Ahmednuggur should revert to Edur or become an appanage of Jodhpore we felt it our duty, so long as the question was undecided, fully to communicate our sentiments for the Governor General’s consideration, but that, when His Lordship’s decision was received, we directed it to be carried immediately into effect”

with a Report from Captain Lang on the unsatisfactory state of affairs at Ahmednuggur consequent upon its annexation to Jodhpore and in reply* to this communication this Government was informed that the Government of India had not intended by the order of December 1843 to convey a final decision on the Edur claim, but that the subject was dropped "when it appeared that Maharajah Tukt Sing *was not the Chief* of Ahmednuggur, but *only the Regent* on behalf of the infant, his son, Juswunt Sing "

46 This Government was also now furnished with the correspondence of the Political Authorities in Marwar, under which the Government of India had been led to conclude that Tukt Sing was Regent and not Chief of Ahmednuggur, and was instructed to enquire and report "into the fact whether Tukt Sing was (at the time of his election as Sovereign of Marwar) the *de jure* Chief of the Ahmednuggur Principality, or if he was only the *de facto* Chief, occupying as Regent for his son as heir by adoption " This accomplished, the Government was invited, "with reference to the opinions of the Durbars of Central India *and the customs of the Rajpoot Principalities* of the Bombay Presidency, to state its opinion, upon a full consideration of all the circumstances of the case, as to the rights of the respective claimants to the Chiefship," a question which, it was observed, could but be settled in Bombay, to which Edur and Ahmednuggur are subject

47. This was the first intimation received by this Government of the grievous misrepresentation made by Tukt Sing respecting his real position at Ahmednuggur when he was elected Sovereign of Marwar This subject is so intimately connected with the alleged adoption in November 1841 of his only son, Juswunt Sing, by the widow of his brother, Prithi Singh, that it will be convenient to remark on both these subjects together, and as Tukt Sing now chiefly grounds his right to retain Ahmednuggur on that adoption, it requires to be carefully considered I regret to add that the conclusion at which I have arrived, after the most careful consideration, is, that the whole transaction is fraudulent and fictitious, and was resorted to by Tukt Sing to enable him to retain Ahmednuggur in his family, his election as

* Letter from the Government of India dated 7th March 1845

Sovereign of Marwar having, by his own admission, involved the forfeiture of that Chiefship as far as he was personally concerned

48 The following document* has been produced by Tukht Sing in proof of the alleged adoption —

Deed of Adoption given by the widow of Prithur Singjee Sesodunjee, to her nephew, Jusrunt Sing

“CONSIDERING you a child, I have adopted you, taken you in my lap Do you therefore look after and assume your property, horses, Rajpoots, putta, country, servants, Ahmednuggur, Mourassa, Meghury, Byer, take care of the country and enjoy it I have adopted you after the death of my son, Bulwunt Sing Be obedient and respect my authority in every way, live for many years, and enjoy your kingdom I have given this writing with my own free will and consent, being in full possession of all my faculties, and signed it by my own hand I have acted in this business according to the request of my deceased husband, taking the advice of all concerned Veerpoora testifies that such was the wish of the deceased Rajah Reshwajee speaks to the same effect

Sumbut 1897 Asrud 13th day (blank), 11th November 1841 A D

Witnesses

(Sd)	THAKOOR RAJ SINGJEE SHREE SINGJEE
”	” KESREE SING MAN SINGJEE
”	” KUSHUN SING CHUN SINGJEE
”	” MAHADJEE DOGUR WALA
”	” MAHADOO SING of Nihora
”	AOMJEE BHAREE
”	GHUMBHEER SING
”	BHARATE KAUJEE OOMED SINGJEE, by the hand of GOOLAB SING
”	DEWROW KASEE of Veezapore
”	THAKOOR RAJ SINGJEE SALIM SINGJEE of Mahumpore

* Forwarded to Government by Captain Lang with his letter dated the 28th September 1841 Another copy of the same in support with a few important verbal alterations, was furnished by Tukht Sing to Mr. Gresham.—Enclosure No. 2 to that gentleman's Report dated the 21st October 1841

The above has taken place in accordance with the orders the Prithee Singjee had signed Jusjee Lall Bhaee Mahajee Phuttehl oor admits that she has been consulted, and that the above has taken place with her will and consent, as also in accordance with the wishes of the deceased Rajah "

49 According, therefore, to Tukt Sing, Juswunt Sing's adoption occurred in November 1841, shortly after the death of Prithee Sing's posthumous son, Bulwunt Sing, which event occurred on the 23rd September 1841 * Captain Lang, however, asserts, and in my opinion has satisfactorily established, that no adoption took place until the 19th October 1843, the day preceding Tukt Sing's departure for Jodhpore This question, therefore, now requires to be minutely examined

50 When Tukt Sing applied for an escort of horse to accompany him to Jodhpore, he announced† to Captain Lang his intention to leave Juswunt Sing, his son, in charge of Ahmednuggur This letter, however, contained no allusion to the adoption, and his silence at such a moment was, to say the least of it, very remarkable The first intimation which the Political Agent received of the adoption was made in a letter dated 21st October, from his Karkoon, Venak Row, who had been deputed to accompany the Maharajah, who, after reporting that Tukt Sing had left Ahmednuggur on the morning of the 20th, and before he arrived at that place, observed — "The Maharajah has proceeded alone, leaving his Ranees and family here, and also his eldest son. On the night of the 19th the Maharajah *placed his eldest son on the lap of his brother Maharaj Prithee Sing's widow and consigned the throne here to him* There were written Agreements passed, and the Sirdars and Puttawuts signed them " The Karkoon having made this report followed Tukt Sing and overtook him at Sindurpore, from whence he addressed two other letters‡ to Captain Lang, in one of which, dated the 23rd October, he reported as follows — "The Maharajah said, when I left Ahmednuggur to take possession of the Jodhpore throne, *my claim on that estate was given up*, but in so doing, I placed my son, Juswunt Sing, in the lap of my brother Maharaj Prithee Sing's widow, who will

* Vide paragraph 14 of this Memo

† Captain Lang's letter dated the 20th October 1843

‡ Ibid, dated 25th October 1843

conduct the management of the *Ray* I have given the estate of Ahmednuggur to Maharaj Juswunt Sing, and if the Sirlar has any intention of giving it to Edur, I do not want Jodhpore, but will return to Ahmednuggur” In his second letter the Karkoon enclosed one* from Tukt Sing to Captain Lang, in which His Highness observed as follows —“By your favour I have been advanced to the Jodhpore *gudlee* My son, Juswunt Sing, is the possessor of Ahmednuggur and Mourasga, he has remained at the former place” In this letter there is no direct allusion to the adoption, but it is probably referred to indirectly in the remark, “Maharaj Juswunt Sing has been the possessor of this *pergunnah* from the first” About this time Captain Lang also received a letter from Tukt Sing’s son, signed by one of the Ranees, merely informing him that his father had made over the estate to his charge, but making no allusion† whatever to the adoption

51 Up to this time, and even for many months after, Captain Lang was ignorant of Tukt Sing’s intention to endeavour to establish that the adoption occurred in November 1841 He therefore at first treated the matter lightly, and merely observed‡ that “as Prithwee Sing died as far back as December 1839, and his posthumous son and heir in September 1841, when Tukt Sing was recognized as his successor, I imagine such an adoption would not be allowed to the injury of the party to whom the estate would otherwise lapse” He at the same time noticed the silence which had been observed in regard to the adoption, but attributed it “to the irregularity and impropriety of such a step being taken without the concurrence of Government,” and added that, according to the information he had obtained, he believed the adoption took place on the 19th October 1843, the day before Tukt Sing started for Jodhpore Finally, with reference to Tukt Sing’s desire to secure Ahmednuggur for his son, Captain Lang argued that the son must follow his father’s fortunes, and that *Government could feel no hesitation in disallowing the adoption, the more especially since “five years had elapsed since the death of the adoptive father”*

* Dated Pahlunpore the 5th October 1843

† In 1 a letter to Captain French Official Political Agent at Jodhpore dated 15 October 1843 Captain Lang’s comments on this suspicious silence

‡ Captain Lang’s letter dated 11th October 1843

52. I am thus minute in this part of the subject, because, if the Karkoon's statement is deserving of credit, we have Tukt Sing's own testimony, added to that of the people of Ahmednuggur, from whom the Karkoon derived his information, that Juswunt Sing's adoption, if such an irregular transaction deserves to be so called, occurred after Tukt Sing's election to the sovereignty of Marwar; and I am unable to discover any reason for disbelieving* the Karkoon's reports; he had no interest in misrepresenting what he saw and heard, he could not look into futurity, or have been aware, when he wrote his reports, that the adoption could have had any influence with respect to the final disposal of the Ahmednuggur principality. The discussion here terminated under the circumstances mentioned in the 44th paragraph of my Minute, when, after an interval of 14 months, it was re-opened by the Government of India, and this Government for the first time became aware that Tukt Sing had assumed an entirely new ground by asserting that he was never *de jure* the Chief of Ahmednuggur, but merely the Regent, administering its affairs on behalf of his son.

53. It would appear that Major Thoresby, the Officer who officiated for Colonel Sutherland during his absence at the Cape, was required† to report "what appear to be the feelings of the Marwar Chiefs as to the future position and rule of the Ahmednuggur State," and that that Officer submitted in reply‡ a communication from the Political Agent at Jodhpore representing that "the principal Sirdars *at the capital* have concurred in opinion that Ahmednuggur should be regarded as a distinct sovereignty, appertaining to Maharajah Juswunt Sing *in right of his adoption by the widow of Maharajah Prithi Singh, who was the elder brother of Maharajah Tukt Singh, and possessor of the sovereignty before him*" and they further declared that the administration of affairs during

* Captain Lang, in his letter dated the 26th April 1844 remarks on the credit due to these reports. The alleged adoption is simply reported as one of the occurrences of the day. The Karkoon, therefore, had no interest in conveying false intelligence, and could have had no expectation that, if it became matter of enquiry, the truth would not be proved by the evidence of the parties by whom such acts are always attested.

† Mr Secretary Currie's letter dated the 26th December 1843

‡ Major Thoresby's letter dated the 17th and Captain Fendlow's letter dated the 11th January 1844

Juswunt Sing's minority would appertain to his adoptive mother. The question at issue, therefore, clearly depends on the validity of the adoption, and, but for this, I should not have referred to the above opinion, since, according to the rule prescribed by the Hon'ble Court of Directors, we are not to consult the feelings of the Sirdars of Jodhpore, even if we can suppose that they would be expressed without fear or partiality, which can scarcely be expected *. The opinions and usages of Guzerat have been rightly constituted as the standard of judgment.

54 It was not until about six weeks after his installation at Jodhpore that Tukt Sing began openly to assert† his son's right to retain Ahmednuggur, in virtue of his adoption by Prithce Sing's widow, prior to his own election, and it was not until at least six months subsequent to that event that he ventured the startling assertion that he was never *de jure* Chief of Ahmednuggur, but merely Regent. In his letter dated the 21st May 1844, Major Thoresby remarks that Juswunt Sing had been 'raised by adoption to the *guddee and the suffrages of the Chiefs*'. Had this Officer's knowledge of the customs of Guzerat been equal to his knowledge of the customs of Marwar, this expression would at once have enabled him to detect the imposition, for no such custom as that of election by suffrage exists in Guzerat. The remark, however, seems to have been made on the authority of Captain French when officiating as Political Agent at Jodhpore, who had reported as follows —

"Finding in conversation with the Maharaj and others, that His Highness was only Regent during the infancy of his son, Juswunt Sing,

believed in the validity of Juswunt Sing's adoption

† Namely in his khareeta accompanying Captain Ludlow's letter of the 13th December 1843 explaining the grounds on which he holds that Ahmednuggur should not revert to Edar. In this he observes —

I came to Jodhpore but prior to this event the widow of Prithce Sing adopted my son Juswunt Sing and retained him at Ahmednuggur. As the son of Prithce Sing by his widow is residing in the affairs thereof through their Chiefs and administrators

Rajah of Ahmednuggur, I requested the Vakeel to obtain from His Highness all the particulars, and the enclosed *lyfcent* is the result. The Maharajah assured me that the fact of his son's adoption in November 1840 by the widows of his brother, Prithce Sing, was known to all, but he supposed the circumstance had escaped recollection from his being the actual Ruler of the principality "

55 This *lyfcent* (memorandum of explanation) gives the following version of Juswunt Sing's adoption —

"The Political Agent asked when Maharajah Juswunt Sing was adopted by Prithce Sing, Rajah of Ahmednuggur. This being known to Tukt Sing, it seems that Prithce Sing in Kartick Sumbut 1896, December 1839, was ill when the Chiefs* of the State asked His Highness that, should he not recover, who would be heir? He replied that Sesodunjee Ranee was *enceinte*, and that, should she be the mother of a boy, he would succeed, otherwise that Juswunt Sing was heir to Ahmednuggur. His Highness Prithce Sing died on the 6th January 1840, and the Ranee was delivered of a son, who was called Bulwunt Sing, but he died in October 1840. There were then three *Majeets*, widows of Prithce Sing 1st, a Jesodine, 2nd, a Rewenje, and 3rd, a Bhumpoorajee. They, aided by all the Chiefs of the State, in the month of Kartick Sumbut 1896, November 1840, adopted Juswunt Sing, but he being very young, the Maharajah Tukt Sing conducted the duties as Regent. Now His Highness Maharajah Tukt Sing is Ruler of Marwar, and his son, Juswunt Sing, is Sovereign by adoption of Ahmednuggur "

Such is the account given in May 1844 of his son's adoption, but we shall soon see that Tukt Sing, when hard pressed by Captain Lang's objections, gave a very different version of the transaction.

56 With these preliminary observations, I proceed to show that the adoption did not take place at the time asserted by Tukt Sing, that the right to adopt a son did not exist but that, admitting the reverse,

* The assumption of the title of "His Highness" by the Chief of a petty tributary State like Ahmednuggur and the pompous allusion to the Chiefs of the State, who in reality have no existence are too absurd to be commented upon.

the manner in which it was effected renders it invalid. The facts on which I chiefly rely for establishing these propositions are as follows —

1st —The deed of adoption itself furnishes internal evidence of the fraud, and that to conceal the same it was antedated two years

2nd —Some of the attesting witnesses admit the fraud, while the testimony of others in Tukt Sing's interest is shown to be false

3rd —Although Tukt Sing alleges that the adoption occurred in September 1841, it was unknown to the Political Agent, Captain Lang, until the receipt of his Karkoon's Report dated the 21st October 1843

4th —Tukt Sing concealed the fact of the adoption on an occasion when a bare intimation of the event would have decided an important case under litigation in his favour

5th —Tukt Sing has given three, if not four, different accounts of the circumstances under which the adoption occurred

6th —Puthee Sing's widow after the birth of her son, Bulwunt Sing, subsequent to her husband's demise, had no right to adopt a son, and if she had such power, she could not have selected Tukt Sing's son

7th —And, lastly, admitting that the adoption was in all other respects unobjectionable, it was never reported to, or confirmed by, the Gackwar or British Government, without whose sanction, according to the established usage of this side of India, the adoption would be altogether invalid

I shall remark on each of these points in order, and notice Tukt Sing's explanation on each, affording also such information as may be necessary to explain the customs and rules observed in Guzerat in respect to adoptions

57 And, *first*, in regard to the internal evidence of the fraud afforded by the deed itself. Captain Lang has pointed* out that the day of the week is omitted, a blank being left for its insertion. In Native documents of importance this is a very unusual omission, and the Political Agent accounts for it as follows —Time was required to compute the

* Letter dated the 20th June 1844 paragraphs 1 to 3

precise day of the week on which the date it bears two years before. But what is still more conclusive evidence, in Sumbut 1897, A D 1841, the year in which Prithce Sing's posthumous son died, there was an *Adhuk*, or intercalary month of *Asoo*, as well as the regular month of the same name. It is proved by the official report of the event that the child died on the 13th Sood of the intercalary month, but the deed of adoption is dated a fortnight after, or on *Asoo Vud* the 13th Sumbut 1897, A D 1841. But, had the adoption then really occurred, the *Adhuk* month of *Asoo* would, as is usual among Natives, been specified, for, if this is omitted, the actual date is rendered uncertain for a whole month. This mistake, on the supposition that Captain Lang is correct* in believing that the adoption occurred in October 1843, is easily accounted for by concluding that in the hurry of the preparations for Tukt Sing's departure it was not remembered that, although no intercalary month occurred in 1843, one did happen in 1841. Tukt Sing's reply to this objection is very unsatisfactory, and much of it irrelevant. Its purport† is, that in trifling matters the insertion of the day may be of importance, but a matter of perfect indifference in drawing up Treaties and other important documents. He asserts that the omission will be found in the Treaty in Mr Greathed's Office, and argues, therefore, that a similar omission is not to be wondered at in the writing of a woman unacquainted with the forms of correspondence, and especially one who, like the Bhace, had been deprived of the very consciousness of existence by the overpowering grief of successively losing her husband and son. How, then (he continues), could it be expected from a person so afflicted, a woman, and one, moreover, of royal condition, incapable of distinguishing the east from the west, that attention should be paid to style and construction, or to the forms of composition? What wonder, then, if the distinctive appellation of the months of *Asoo* were also disregarded? After a good deal more in this strain, he justly remarks that, supposing

* According to Captain Lang's information 'the actual date of Juswunt Sing's adoption as reported by his Karkoon was Thursday, the 1st *Asoo Vud* Sumbut 1899, or A D the 10th October 1843 and Prithce Sing's posthumous son died on Tuesday, the 13th of the first *Asoo Sood* Sumbut 1897, or A D the 23rd September 1841.'

† *Fide* 11 urecta accompanying Mr Greathed's letter dated the 21st October 1841, Appendix A.

the deed had been executed with the utmost precision, carefully attested and dated, it would be of no avail, unless the right to execute it were first proved, and that this is the real question to be considered. The flaws in the deed noticed by Captain Lang are proofs of its genuineness, as they are evidence that it was written by the Bhace herself in the midst of her anguish and tribulation, when oppressed and distracted with grief, for the wound inflicted by her husband's death was still fresh when she lost her son, and such a host of sorrows had encompassed the unfortunate lady, that her existence was only manifested by her lamentations, and no hope for her surviving remained. Attention to forms could not, therefore, be expected, and who could have been so hard hearted in the midst of woe and affliction to have urged corrections in her style? On the other hand, Tukt Sing remarks, had the deed been drawn up at the period of his departure for Jodhpore, although even at that time much could not be expected from a defectively educated woman, some approach to correctness of education might have been attained, and, at all events, the omission of the name of the day after the word *war* would have been detected, and might easily have been inserted. As, however, the interpolating of a document is considered by us a grave offence, the imperfect document was purposely sent to Government in its original state.

58 This explanation is both ingenious and pathetic, but very inconclusive. One would imagine that the law of adoption rendered it imperative that the afflicted widow and mother should prepare with her own hand the deed of adoption, and denied her all assistance on the occasion. With reference to the last remark, it is by no means unlikely that the non insertion of the day escaped observation until it was pointed out by Captain Lang. I will not, however, dwell further on the subject, for I concur with Mr Greathed* in opinion that the defects in the deed are not of themselves sufficient to establish the grave charge against Tukt Sing of falsifying it, and practising a deception on the British Government, though they must, in my opinion, be considered as corroborative of the other proofs by which, I conceive, the fraud is established.

* Letter dated 21th October 1815

59 The second fact, of some of the attesting witnesses admitting the fraud and the testimony of others being proved false, is more conclusive. The most important of the former is Gumbir Sing, the brother, not only of Juswunt Sing's mother, but also of the widow of Prithee Sing, who is said to have made the adoption. This person in 1844 assured* the Political Agent at Jodhpore "that he was not aware of Juswunt Sing's adoption, or of his being Ruler of Ahmednuggur." Another of the attesting witnesses, one of the principal Chiefs of the Mahee Rant on being casually questioned by Captain Keily, at once admitted† that he went to pay his respects to Tukht Sing when he was about to leave Ahmednuggur for Jodhpore, and on being requested to witness the deed making over Juswunt Sing to Prithee Sing's widow, he signed it accordingly. Captain Keily has subsequently confirmed‡ this statement, and names the Thakoor of Mohunpore as the Chief alluded to. Captain Lang has further submitted, in his letter of the 25th April 1846, the deposition taken by himself and Assistant of five of the witnesses to the deed. The first of these, named Dewrow Kasee, a respectable old man, of between 60 and 70 years of age, was formerly in the service of the Gaekwar and commanded the force sent against Amleeara on the occasion when Zalum Sing was killed, and was present when his widow, after his death, adopted a son. For these services he received from the Ahmednuggur family the valuable village of Akrood. He still

* Letter from Captain French forwarded to Government with Captain Lang's letter dated the 31st October 1844

† Captain Lang's letter dated the 6th June 1845

‡ *Report on the Princes and Chiefs of Guzerat* dated the 9th June 1845 forwarded to the Government of India on the 25th July 1845. The following extract contains Captain Keily's opinion on the question at issue between Edur and Ahmednuggur —

It is much to be regretted that Tukht Sing, knowing as he must have done the validity of the Edur right to succeed to his possessions vacated by his adoption into another family did not resign them and take his son with him as his own rightful heir to the Jodhpore throne. That he must have been well aware of such right is evident from the extraordinary step he took to supersede it, namely by leaving his son as the adopted child of his brother's widow and denying his own succession on the death of his nephew in 1841; ante-dating the deed to make it appear that it had taken place at that time. That such was the case is an incontrovertible fact for the Mohunpore Thakoor who had called to pay his respects to Tukht Sing on his return from Jodhpore in 1843 was with others required to witness the deed and when asked to do so admitted that the adoption was only made after

enjoys this, but in other respects he is independent both of the Edur and Ahmednuggur Durbars. He describes in detail the circumstances under which he signed the deed. He went to pay his respects the day before Tukht Sing left for Jodhpore, when His Highness informed him that he had given his son to the Sesodunjee and that his signature was required to the deed. This was the day before His Highness left Ahmednuggur. He observed that there were other signatures attached to the deed. He signed it at Tukht Sing's request. Before this he (the deponent) had never heard of the adoption. The second witness is the Thakoor of Mohunpore, who is represented to be equally independent of both Durbars, though his sister was married to Kurn Sing, the late Chief of Ahmednuggur, and became *suttee* on his death. He likewise gives very minute particulars of the circumstances under which he signed, and names the precise date on which he did so, namely, the 13th Asso Vud Sumbut 1899, or A D the 19th October 1843. He is enabled to do this because he received a written summons* from Tukht Sing to attend. He signed at His Highness's request, and Gumbur Sing, Tukht Sing's brother in law, was present. After he had signed, Tukht, who was ready to start, mounted his horse, and deponent, having accompanied him to the gateway, returned to Mohunpore. The third and fourth witnesses are the Thakoors of Doongurwara and Senawara, who are both Puttawuts, or subordinate Chiefs of, and therefore dependent on, the Ahmednuggur Durbar. The former made many excuses, and wished his uncle to be examined in his place. He is still quite a youth,† and if the adoption occurred in 1841, he must have been required to attest the deed as a child, which is very improbable. The falsehood of the testimony of both these Chiefs, however, is proved by a very remarkable fact. The fathers of both died in 1842, the deed of adoption is dated in 1841, and although the fathers of both were then alive, they signed and witnessed the deed as Thakoors of their respective puttās, from which we may fairly deduce that the deed must have been

* The Chief produced the summons which is dated the 1st Asso Vud Sumbut 1899.

† The Chief declared that if he deposed to the truth it would be a sin, and after he had given his evidence he requested that it might be kept secret. The other Chief is also represented to have been disturbed and uneasy while under examination.

executed subsequent to 1842 The fifth witness, Kesree Sing, a member of the Tintooee Bhyaud, and holding a putta under Ahmednuggur, deposes in favour of that Durbar's assertions in regard to the adoption On being examined, however, with regard to the other attesting witnesses, besides mentioning persons whose names are not attached to the deed, he falls into the same error as the two Chiefs above alluded to respecting their signing as Thakoors when their fathers were alive, and when this was pointed out to him, he contradicted himself It is admitted that the witnesses to the deed did not all sign at the same time, but according as they attended at Ahmednuggur He signed at the Dussera subsequent to Bulwunt Sing's death He cannot explain why the adoption was not announced before Tukt Sing went to Jodhpore It ought to have been, "*but what does a servant know of the intentions of the Palace?*" There are four other names attached to the deed, but the parties being entirely dependent on the Ahmednuggur Durbar, Captain Lang did not consider it necessary to examine them

60 I have not been able to discover that Tukt Sing has ever attempted to refute the testimony of Dewrow Kasee and of the Chief of Mohunpore to the fact that the deed of adoption was signed by them the day before he proceeded to Jodhpore, or to explain the flaw by which the falsehood of the evidence of the two Thakoors is established With respect to the latter, it is, I think, evident that those who antedated the deed must in their haste have overlooked the important circumstance of the death of the fathers of these Chiefs subsequent to November 1841, a circumstance which, in my opinion, is of itself sufficient to establish the fraud With regard to his brother-in-law Gumbur Sing's disavowal of the adoption, Tukt Sing has endeavoured to account for it by stating* "*that he was embarrassed by the questions Not feeling at liberty to discuss such subjects at a private interview with the Agent without authority, he shielded himself in pretended ignorance*" Mr Greathed does not appear to have questioned Gumbur Sing on the subject, but is disposed† to consider the Maharajah's reply satisfac-

* Mr Greathed's letter dated 28th October 1844. † *Id.*

tory, though he admits that it would have been more correct had the witness stated his real reason for refusing to reply: but a direct refusal, he observes, is contrary to conventional rules of native politeness. Had Mr. Greathed stated that Gumbur Sing was interested in repudiating the adoption,—for, if admitted, it should exclude his sister's son from the succession to the throne of Marwar,—there might be some force in the objection. None whatever is, I conceive, due to the explanation offered, for Gumbur Sing did not, as Mr. Greathed supposes, decline to reply. Had he been silent, or had he feigned ignorance, the Political Agent's reasoning might apply. But instead of maintaining silence, Gumbur Sing disavowed in very positive terms all knowledge of Jowant Sing's adoption, or of his being Chief of Ahmednuggur. The fact, also, mentioned by Mr. Greathed, that Gumbur Sing is now "living on Tukt Sing's bounty," adds force to his evidence before Captain French. It seems to me to prove that his sense of the injustice contemplated towards his nephew is greater than his sense of gratitude for the favours conferred upon him by Tukt Sing, and that he has made up his mind to oppose the former, even at the risk of forfeiting the latter.

61. The third fact for disbelieving* that the adoption took place at the time stated by Tukt Sing is, that the event was not known to our Political Agent in charge of the Mahee Kanta until Tukt Sing proceeded to Jodhpore in October 1843. On this point I beg to refer to the 19th to 51st paragraphs of this Minute. The fact rests on the unimpeachable evidence of Captain Lang himself, and cannot, therefore, be denied. I have already noticed the remarkable silence of both Tukt Sing and his son in regard to the adoption at the period of the former proceeding to Jodhpore and the reports of the Political Agent's Karloon when it occurred (paragraph 50). With respect to the latter, Captain

* I will here quote Captain Keily's opinion on this part of the subject —

"The supposed adoption," he observes, "was not made known till some time after the arrival of Maharaj Tukt Sing at Jodhpore, when it caused a great sensation in the minds of all the Rajpoot community in this country, and tended greatly to increase the ill will already felt at the supersession of Jowan Sing. The Ranees has petitioned to Government to succeed to, what she and the whole country consider, the undoubted right of her son" — Keily's Report, dated 9th September 1843

Lang has observed* that, however much he may have confided in these reports, "he should never have thought of accusing the Ahmednuggur Authorities of antedating the deed of adoption on this ground alone." From his own knowledge, however, he was well aware that it did not take place at the time stated,† unless it was considered necessary, not only not to inform him of it, but carefully to conceal it from him, when the simple intimation of it would have at once decided a dispute pending regarding Mourassa in Tukt Sing's favour.

62. This constitutes the fourth circumstance urged against the adoption, and the subject has already been cursorily alluded to in the 17th paragraph of this Minute. This dispute commenced in December 1839, when Sir R. Arbuthnot, Collector of Ahmedabad, contended (*vide* letter to Captain Lang dated the 16th April 1840) that, on the death of Bulwunt Sing, the infant Rajah of Ahmednuggur, the entire revenues of Mourassa ought to devolve to the British Government, as also would those of Byer should the Rancee die under similar circumstances, "for the founders of Mourassa, Byer, and Ahmednuggur, having separated themselves from Edur, must be regarded as having established new families unconnected with each other: their talookas on failure of heirs would necessarily lapse to the sovereign power to which they owe allegiance." Mr. Trawutt, who succeeded Sir R. Arbuthnot as Collector of Ahmedabad, observed‡ that the "strongest ground on which our right

* Letter dated the 25th April 1845

† In his final Report dated the 22nd April 1847 Captain Lang observes — "I may be pardoned for expressing my surprise that Colonel Sutherland and Mr. Greathed should consider the simple denial of Maharajah Tukt Sing in a case involving his dearest interests sufficient to disprove the very strong evidence furnished in my first Report of the antedating of Juswunt Sing's adoption, and that they should have so readily believed that I would have accused the Maharajah of such an act on light grounds, or, indeed, had there been any doubt on the matter. Neither could they have been aware that, if the Maharajah's assertion had been true, I must have remained for two full years in ignorance as to who was the actual Chief of one of the only two talooks of any consequence under my superintendence. I need not, however, point out that our supervision of the petty States under the control of the Bombay Government is too minute to admit of this without very culpable neglect of duty, and during this time I had frequent opportunities of seeing the Maharajah, and was always on the most friendly terms with him; my opinion of him having from my first acquaintance with him been most favourable."

‡ Letter dated 21st June 1842

to a lapse to the Rājā's share of Mourassā could be founded was, that it had descended by adoption through two generations. The issue of both adoptions being now extinct, there is no specified line of succession, and Government, therefore, must decide how far collateral* branches of the adopted heir possess any right to succeed to the possession. He himself was in favour of Tukt Sing succeeding, he being uncle of the late, and brother of the former, Rājā."

63 The discussion on this subject lasted with intermission for a period of three years and a half, when Government, on the 1st June 1843, passed a decision in favour of Tukt Sing retaining Mourassā as well as Ahmednuggur. Under the circumstances stated in paragraph 17 of this Minute, I do not deem it necessary to notice at length the argument† by which Captain Lang succeeded in obtaining this decision. The argument of the Collector, however, was, *that the adopted line of Maharajah Zalum Sing had become extinct*—1st, on the death of Maharajah Prithce Sing, Chief of Ahmednuggur, and 2nd, again on the death of his posthumous son, Bulwant Sing. It was on this ground alone that Sir R. Arbuthnot debated the question, and I cannot see how the inference drawn by Captain Lang from the silence of Tukt Sing and his Agents in regard to the adoption on an occasion when they had so much at stake can possibly be refuted, because, as is justly observed‡ by that

* Sir P. Arbuthnot refers to the fact of the Rājā of Ahmednuggur being related by blood to the deceased Rājā of Mourassā but contends that he held Mourassā, not in virtue of relationship but because his father was adopted. His issue therefore, will succeed to Mourassā, but collateral branches of the Ahmednuggur family can have no claim to do so. If however, it is not a lapse to Government, then he admits that the Edur family are the undoubted heirs by blood (letter dated 16th April 1843)

† In refutation of the Collector's assertion that Ahmednuggur, Fātar, and Mourassā formed one Chiefship Captain Lang produced satisfactory documentary proof that they treated separately with Edur. 1st, a deed dated in Sumbat 1800, A. D. 1791-92 confirming Mourassā upon Zalum Sing alone, 2nd, an engagement dated in Sumbat 1801, A. D. 1801-5, entered into with Zalum Sing, Amcer Sing, and Inlur Sing stipulating to act fairly towards them; 3rd, another dated in 1801, A. D. 1791-92, entered into with Inlur Sing and Zalum Sing. This is, however, not quite conclusive, as it also arranges for the payment of certain salaried claims due from Edur to Ahmednuggur. It assigns however, the whole of Mourassā to Zalum Sing, and thereby proves that it was a distinct State from Ahmednuggur.

‡ Letter dated the 2nd April 1843. The subject will also be found alluded to in paragraph 3 of Captain Lang's letter dated 22nd April 1843.

Officer, had Juswunt Sing been adopted by Prithee Sing's widow previously to this discussion, *there would not, of course, have been any ground to question the Ahmednuggur right through him to Mourassa, which had not existed with equal validity from the time of Zalum Sing's death, nearly 40 years before.* The conclusion, therefore, is irresistible, that at the time this question was debated Juswunt Sing could not have been adopted, for, had he been so, the simple mention of his adoption would have sufficed at once to have decided that Mourassa was his inheritance

64. The fifth circumstance against the adoption is, that Tukt Sing has given three, if not four, different versions of the circumstances under which it occurred. The first of these (already noticed in paragraph 50 of my Minute) was volunteered to Captain Lang's Karkoon deputed to accompany Tukt Sing part of the way to Jodhpore, and was clearly to the effect that the adoption occurred in October 1843, and this was confirmed by information which the Karkoon* derived from other quarters. The second is contained in the *lyseeut* (also already noticed in paragraphs 54 and 55 of this Minute) delivered to Captain French after the Maharajah's arrival at Jodhpore, to the effect that, in conformity with Prithee Sing's wishes, should his widow, then pregnant, not give birth to a son. On the death of the son which was born, Prithee Sing's three widows, aided by all the Chiefs of the State, adopted Juswunt Sing, Tukt Sing becoming Regent. According to this account, therefore, the adoption must have occurred soon after the 28th September 1841, the date of the death of the posthumous son. The third version is contained in a *khureetaf* dated the 6th October, addressed by Tukt Sing to Mr Greathed in this His Highness states — "On the demise of Bulwunt Sing, the son of my brother, Maharaj Prithee Sing, in Sumbat 1837, A D 1841, I allowed my sister to adopt my son, Juswunt Sing, thus disregarding all worldly considerations, self-convenience, and advantage, in despite that at that time Juswunt Sing was my only son, solely on account of the grief and bereavement of my sister, and because I could not permit her to remain brot-en-hearted. Juswunt Sing being alive, how can Edur maintain that the sovereignty of Ahmednuggur is extinct?" The fourth version will be

* The 113 letters dated 21st October 1843

† Appendix B to Mr Greathed's Report dated the 21th October 1843

found in a note* given to Mr Greathed on behalf of Tukht Sing by the Jodhpore Vakeel, which was elicited under the following circumstances — On the receipt of Captain Lang's letter of the 20th June 1845, to which I have had occasion so frequently to refer in preparing this Minute, Mr. Greathed deemed it proper formally to apprise Tukht Sing "of the grave imputation cast on his character by Captain Lang of having fabricated the deed of adoption with the view of disfranchising the Ldur Chief in order that he might defend himself from it" He therefore embodied the proofs adduced to substantiate the falsification, with other extracts from the Report requiring explanation or comment The Vakeel's note is in reply to Mr Greathed's memorandum In this, after endeavouring to explain away the defects in the deed noticed by Captain Lang, he observes that these defects are the most convincing proofs in support of it, that is, they are evidence of the fact that the deed was written by the widow herself in the midst of her anguish and tribulation when oppressed and distracted with grief, for the wound inflicted by her husband's death was still fresh when she lost her son, and such a host of sorrows had encompassed the unfortunate lady, that her existence was only manifested by her lamentations, and no hope of her surviving appeared to remain Then the Maharajah, in the exercise of his wisdom and mercy, perceiving the only possible way of saving her life and prolonging her existence, *so casting away all worldly and personal consideration, he made over Koonwur Juswant Sing, at that time his only son, together with all his possessions and resources, to his sister-in-law, who for her own satisfaction wrote with her own hand a deed of adoption, little regarding, in the depth of her affliction, forms in the composition of the document, and while the Maharajah only looked on the act as saving his sister's life*

64A. Had Tukht Sing been consistent from the first, and given only one version of the circumstances in which the adoption originated, some-

* Dated 1st May 1846, and enclosed in Mr Greathed's Report of the 6th May 1846, supplementary to his first Report dated the 21th October 1845, received with the letter from the Government of India dated the 18th July 1846

† On reference to Mr Greathed's Report dated the 24th October 1845, it will be observed that this gentleman, in the first instance, considering the charge as inconclusive, did not put Tukht Sing on his defence, but merely stated enough to draw from him a specific statement of the time and date of the adoption.

thing beyond his simple assertion would be requisite before we could credit this affectionate act of self-denial of renouncing his birth-right in favour of his son, then an infant, and for the purpose of consoling his brother's widow. But, according to Mr Greathed's* and his own showing, he deserves no credit for the deed, for, in fact, they both admit the adoption was a mere nullity, carrying with it none of the usual consequences, and therefore, in my opinion, no adoption at all. The following extract from Mr Greathed's Report of the 6th May 1846 will satisfy the Board that I am not misrepresenting the case. After remarking that Tukt Sing's reply affords a fair insight into the true value of the transactions which followed the death of Prithce Sing's posthumous son, Mr Greathed admits his impression that there can be no doubt that Tukt Sing inherited the throne after the death of his nephew, for he says himself,† "he made over Koonwur Juswunt Sing, together with all his possessions and resources, to his sister-in-law." The reasons of this self-sacrifice are explained, but it was a sacrifice more in appearance than reality, for by the manner in which it was effected he did not *endanger his own life-interest*, while sufficient was done to gratify the wishes of his sister-in-law. The adoption was a family arrangement, which could not have been enforced to the detriment of Tukt Sing, and would probably have never been heard of by us officially but for his accession to Jodhpore. To all intents and purposes he would have remained Sovereign, though he might have continued to abstain from certain ostensible marks of sovereignty,

* In his letter of the 24th October 1845 Mr Greathed observes —An account of the transaction and the motives which led to it is contained in paragraph 10 of his reply. The reasons are of a lonely and domestic nature, unconnected with political objects. Thus, Mr Greathed candidly admits, may seem extraordinary but in 1811, when the deed was drawn up, Tukt Sing had no prospect and as little hope of succeeding to Jodhpore. This is quite true, and excites our wonder that Tukt Sing should have abdicated his Chiefship merely to console his sister-in-law in her bereavement. Could he have looked into futurity, the act would have easily been understood. In 1811 his prospects were limited to ruling over Ahmednuggur and therefore observes Mr Greathed he entered into a family arrangement which while it gratified his bereaved sister, did not at the same time promise to be a source of civil arrangement into which by his subsequent elevation it has been converted. But no intimation existed of the adoption interfering with Tukt Sing's virtual (query) possession of Ahmednuggur during his life-time and it was probably on this account the event was not published.

† In paragraph 9 of his reply.

the absence of which seem to corroborate the deed of adoption. He seems to have avoided* a formal recognition of the British Government, a guarantee usually so much insisted upon, to have refrained from allowing a Seal of Office to be engraved in his own name, continuing to use that of his late brother, and to have avoided the Raj Tillack, or ceremony of inauguration.

65 The discrepancies in the various accounts given by Tukt Sing of the adoption are, I think, fatal. This last explanation appears scarcely to merit serious reply. Mr Greathed even admits that it convicts the Maharajah of a certain degree of duplicity, although he charitably considers it to be of a nature most innocent and excusable. I confess I do not understand this gentleman's remark that "this duplicity will relieve the Maharajah from all imputations, and account for a certain degree of mystery with which his declarations are still clouded," for I cannot myself account for this mystery except by referring it to the maze of deceit and falsehood in which His Highness has unhappily involved himself. How, however, can an adoption, which was followed by none of the effects of such a ceremony, even admitting it to be genuine, affect rights or convey rights? The whole story is incredible, but admitting that there was a clandestine family arrangement 'of a homely and domestic nature,' how can this be held to affect the rights of third parties, those, for instance, of the Rajah of Edur? On this point of the case Captain Lang in his final Report† has remarked—"It must, I imagine, be altogether unnecessary for me to reply to the sophistry contained in the note from the Jodhpore Vakeel, in which the omissions in the deed of adoption, so evidently caused by its having been written at one time and dated at another, are attempted to be accounted for by its having been drawn out by a woman while labouring under inconsolable affliction. A glance at the deed itself, with all its technical expressions, will prove a sufficient refutation of this assertion, and the admission that what was informal in it was remedied before the Maharajah's departure for Jodhpore is doubtless owing to his having received early intimation of the deposition of several of the witnesses, to

* See paragraph 1 of Mr G Catl's Report of the 6th May 1816

† Dated the 1st April 1816 paragraph 7

its having been taken a short time before the note was written, and the Jodhpore people seeing that they must in some way account for their statements of having witnessed the deed on the eve of the Maharajah's departure.

66. The sixth objection to the adoption is, that Prithee Sing's widow, after the birth of her son, Bulwunt Sing, had no right to adopt a son on his death; but that, admitting that she did possess such right, Tukt Sing's son was not eligible for adoption. It is not necessary to discuss the question of the right of a widow to adopt a son immediately on the demise of her husband. On this point* there are various opinions, but it seems generally† admitted that she may do so with the sanction of, or under the direction of, her husband. Had, therefore, Prithee Sing's widow not given birth to a posthumous son, she might have adopted a son; but, as I shall presently show, unless she had done so with the sanction of the paramount Government, succession of her husband's Chiefship would not have been conveyed by such adoption, but merely private property. But on the birth of her son, Bulwunt Sing, her right to adopt a son ceased, and I can discover no authority for the revival of such rights on his death. I have in vain searched for such authority in all the works on Hindoo Law within my reach, in Colebrooke, in Strange, in Macnaughten, in the *Duttaka Mimamsa*, and *Duttaka Chandeika*, translated by Mr. Sutherland, and which exclusively treat of the law of adoption, and lastly, the *Vyavahara Myookhu*, a Treatise on Hindoo Law of

* For Sir W. H. Macnaughten's exposition of this point, see *Principles and Precedents of Hindoo Law*, Vol. I, p. 100, and Vol. II, p. 183.

† Women with the sanction of their husbands are competent to adopt, as Vasishtha shows—"Let not a woman either give or receive a son in adoption, unless with the assent of her husband"—*Duttaka Chandeika*, p. 157, the same reason which imposes the necessity of an adoption on a man not equally applying to a woman. The latter, at least such seems the more accurate and prevailing doctrine, is incapable in her own right of adoption, though it is admitted that by his sanction she may affiliate, on the part of her husband a son who would necessarily be filially related to herself. Nunda Pundita denies generally the authority of a widow to adopt, assigning a reason, by no means satisfactory, that the assent of her husband is impossible—but it is reasonable to admit, consistent with practice and the opinion of other authors, the validity of an adoption made by a widow under the sanction of her husband, written or formally expressed during his life time, and perhaps in some places under that of kinsmen—*Synopsis of the Hindoo Law of Adoption* by Mr. Sutherland, p. 213. See, also, on this subject *Colebrooke's Digest*, Vol. III, pp. 243, 253, and 258, and Sir F. Strange's *Elements of Hindoo Law*, Vol. II, p. 51.

extensive* authority in Guzerat, but in none of these do I find the right conceded to a woman having a son at the time of her husband's decease, or giving birth to a posthumous son, to adopt on the death of that son, though the opposite case of an adopted son being superseded by the birth of a son begotten is duly provided for† Well, therefore, may Captain Lang ask, "how can the widow of Prithoe Sing be *allowed to adopt a son after having lost her husband nearly four years ago and her own son nearly two*?" But admitting her right to adopt, Tukht Sing's son was ineligible for adoption, being an only son. Menu says, "It is not proper to give away or take an only son, for upon him depends the continuation of his father's lineage." Yasishta says, "An only son let no man give or accept, for he is destined to prolong the line of his ancestors." Other texts might also be quoted to the same effect, but further proof is unnecessary, for the reason of the prohibition is obvious, "the primary reason‡ for the affiliation of a son being the obligatory necessity of providing for the performance of the exequial rites celebrated by a son for his deceased father, on which the salvation of a Hindoo is supposed to depend." It would be strange to suppose that the law would admit of a man giving away his only son,§ and thereby, according to the Hindoo creed, endanger his own soul by having no one to perform his funeral obsequies, and on the performance of which, according to Hindoo superstitions, his future beatitude depends. The prohibition, moreover, extends even to the "giving in adoption the eldest of several sons, for the interest|| that every Hindoo father has in his own obsequies restrains the parting for adoption either with his eldest or an only son,

* In the west of India and particularly among the Mahrattas the greatest authority after the Mitakshara is Nihcantha author of the *Vijñāna Myōkhu* and of other treatises bearing a similar title —Colebrook cited by Sir Thomas Strange, Vol II, p 216

† They inherit together, "the adopted son taking one third according to the Bengal school, and one fourth according to the doctrine of other schools —*Macnaghten's Principles and Precedents of Hindoo Law*, Vol I, p 69 Yasishta, quoted in the *Dattaka Mimamsa* p 153, says —"When a son has been adopted, if a legitimate son be afterwards born, the given son shares a fourth part, 'on default of him he is entitled to the whole

‡ Mr Sutherland's *Synopsis of the Hindoo Law of Adoption*, p 212

§ Tukht Sing's son was ineligible on this account. On the same point see also Sir W H Macnaghten's *Principles and Precedents of Hindoo Law*, Vol II, pp 183 and 184

|| Sir Thomas Strange's *Elements of Hindoo Law*, Vol I, p 71

it being of such comparative importance to him that they should be performed by a son of his own, and when he has more than one, by the eldest."

67. The seventh, last and most fatal, objection to the adoption is that, admitting it to have been in all other respects unobjectionable and valid, it is altogether invalid, because it was not in conformity with the established usage of this side of India, reported to and confirmed by the Gaekwar or British Governments. It is very remarkable that, with ample proofs in their possession and furnished by Tukt Sing himself,* this objection has apparently altogether escaped the observation of Colonel Sutherland and the other Political Officers of Marwar who have taken a part in this discussion. The Board, however, is aware that, under this Presidency,† the consent of the suzerain or lord paramount is indispensable to the validity of our adoption, involving succession to a principality, jaghire, surinjam, or even to enams. In these cases the right to grant or refuse permission is universally admitted and invariably exercised. Within the last ten years, in consequence of our refusing to permit of an adoption, the petty States of Colaba, Nepanee, Chinchnee, Sonce, Mandoojee (in Guzerat), and many other States of minor value have lapsed to the British Government. In June 1825 a Circular was issued declaring that no adoption can have effect with regard to jaghires, unless it is expressly so declared by the Government, and I find that this Circular‡ was re-issued in October 1831 by Lord Clare's Government,

* I refer to enclosures Nos 3 and 4, Tukt Sing's klureeta dated the 6th October 1815, Appendix B to Mr Greathed's Report of the 21th October 1815. These letters, written by His Highness the Gaekwar in Sumbut 1875, A D 1818 19, 30 years ago, are well deserving of perusal, not only as containing an authentic history of the adoption of Zalam Sing's widow, but as proving beyond a doubt that the right of confirmation followed by investiture is inherent in the paramount Government, and necessary to give validity to an adoption.

† I think my remarks may be extended to the whole of India, at least a recent reference made on the subject to our different Residents at Foreign Courts has clearly established that the previous sanction of the superior Government is essential to the validity of adoptions in cases like the present under the Governments of Gwalior, Indore, Sattara, Bhopal, Baroda, and in the petty States of Bundelcund, Mehidpore, Nimar, Pahlunpore, and others of Guzerat—I see Report of Mr Hart, the Enam Commissioner, in the Southern Mahratta Country, dated the 27th March 1847.

‡ Circulars were also, I find, issued to the same effect by Mr Chaplin, Commissioner in the Deccan, in 1822, founded, of course, on the practice which existed under the Prishwa's Government.

and the Hon'ble Court of Directors have themselves, in their despatch of the 11th June 1834, given their instructions as to the principles on which applications for permission to adopt* should be complied with or refused. But I need not dwell further on this point; we have before us an authentic and minute illustration of the custom in the case of the adoption by Zalum Sing's widow, referred to in the 15th paragraph of this Minute. In that case an Officer was deputed on the part of the Gaekwar to superintend the ceremonies of adoption, by whom a *khillat*, or dress of investiture, was conferred; the adoption being finally ratified by a Sunnud or Patent issued by His Highness Anund Row Gaekwar. For this proof we are indebted to Tukt Sing himself, since, strange to say, the case of Zalum Sing's widow is cited as a precedent in support of his son's adoption by Prathee Sing's widow. Even in the former case, however, the right to adopt was resisted, and very nearly with success by Idur, as an unjust infringement of its rights. I shall hereafter have occasion to allude to these adoptions, and to show that the first is inapplicable, and that the second was no adoption at all.

68. It only, therefore, now remains to show that the adoption of Tukt Sing's son never received the required sanction of the British and Gaekwar Governments as Lords Paramount. The consent of both Governments was requisite in this case, Mourassa and Byer being dependent on the former as succeeding to the rights of the Ex-Peishwa and Ahmednuggur on the latter. In his letter† Captain Lang reported as follows:—No mention of the adoption *was ever made* by the Maharajah Tukt Sing in any of his letters to me, nor any application

* The following extract from a letter from Captain French, formerly Officiating Political Agent at Jodhpore, even proves that the same custom exists in Rajasthan —“In Rajpootana, on the death of a Thakoor, his estate reverts to the Raj, and is given to his successor on the payment of the “*Hoolumnama*,” or fee of investiture. There, too, the Majeed adopts, but the rule is from the nearest of him or their offspring.”—Letter dated 7th

same rules prevail as in sovereign houses, and the adoption is made without reference to the sovereign authority, although the Sovereign is entitled to judge of the validity of the adoption when appeals against it are made to his authority. But this is done with great delicacy, &c.”—Fide Colonel Sutherland's letter to the Government of India dated the 2nd December 1813.

† Letter dated the 28th September 1811

preferred to obtain for it the sanction of Government, without which, agreeably to the usage which prevailed when His Highness the Gaekwar managed this province through his own Officers, the adoption would have been considered altogether invalid, to say nothing of the attempt to impose on Government by antedating the writing, so as to make it appear altogether unconnected with the succession to Jodhpore

69 I believe I have now noticed all the evidence which has been adduced for and against the adoption of Tukt Sing's son, except a letter* dated Shravun Vud the 13th Sumbut 1902, A D 19th August 1846, addressed to Tukt Sing by the widow of Prithi Singh, acknowledging that when her son, Bulwant Singh, died, Tukt Sing succeeded to the Ahmednuggur State, but that, to enable her to forget her sorrows, he gave Juswant Singh in adoption, but adding, "*still you remained lord and master,*" which could not, of course, have been the case had there been a *bona fide* adoption. This, however, proceeding from a deeply interested party, scarcely deserves even this cursory notice

70 Both Colonel Sutherland and Mr Greathed acquit Tukt Sing of the charge of deceiving Government in respect to the adoption. The former Officer remarks †—The testimony of Maharaj Tukt Sing (that is, be it observed, of the party accused,) and the reasoning of Mr Greathed are quite conclusive to his mind that His Highness is innocent of the fraud which is attempted to fix upon him of post-dating the deed of adoption, which, I think, there can be no doubt, was executed on the death of his brother, Prithi Singh, by his widow, in conformity with the declared wish of her husband. Whatever may have been informal in that instrument appears to have undergone correction on the eve of the Maharajah's departure for Jodhpore, but this cannot be held to invalidate the adoption, nor would it, I believe, be invalid had there been no written instrument, for there the child is still in the arms of the widow of Prithi Singh. Colonel Sutherland afterwards reiterated‡ this opinion and the remark that there could be no doubt of the validity

* This forms enclosure No. 6 to Appendix B to Mr Greathed's Report, dated the 24th October 1845.

† Letter to the Government of India dated the 16th May 1846.

‡ Letter to the Government of India dated the 10th June 1846.

of the adoption, since the child is still at Ahmednuggur in the arms of his adoptive mother. But this appears to me to be assuming for granted the very point in dispute. Before any weight can be attached to the fact that the child is in "the widow's arms," it surely ought to be shown that it was properly so placed under the usual forms and sanctions. When the charge was first communicated to Mr. Greathed, that gentleman drew attention* to the vagueness of the proofs by which it was supported, erroneously inferring that the charge solely rested on the reports of Captain Lang's Karkoon. He therefore observed that, until further and conclusive evidence was produced, he should give credit to Tukt Sing's reversion of the authority of the deed, as such an act of meanness and trickery as that imputed to him is foreign to his character. When this opinion was given the persons who had attested the deed had not been examined, and I cannot discover that Mr. Greathed has ever answered the strong and convincing facts which were afterwards adduced by Captain Lang† in support of the charge. Mr. Greathed has, however, endeavoured to reconcile the conflicting statements by supposing that Captain Lang's Karkoon mistook the promulgation of the adoption for the execution of the deed, and thus gave rise to the charge of falsification. I can, however, find no proof in these proceedings for this influence‡. Both Colonel Sutherland and Mr. Greathed are sensible of the serious nature of the charge, the former admitting that, if Tukt Sing was concerned in the fraudulent transaction of "antedating the deed of adoption," it would be so discreditable as to render him unworthy of the throne of Marwar.

71 On a review of all the circumstances connected with the adoption, I regret that I cannot coincide in opinion with Colonel Suther-

* Letter to the Government of India dated the 21st October 1841.

† Namely, in his letter dated the 24th April 1841.

‡ It appears to be founded on a passage in Tukt Sing's last khureeta, where in allusion to the Karkoon's Report he states he is unable to judge whether his (the Karkoon's) statements are of his own invention, or at the suggestion of some interested person or the result of misapprehension of the deed having been written on that day in consequence of some additional attestations having been added to the document on the eve of his departure. Accepting this explanation it may be asked what possible faith can be placed in a document drawn up in October 1841 and attested in part in October 1842? Tukt Sing's assertion is a fatal one.

land and Mr. Greathed, and acquit Tukt Sing of the fraud imputed to him. I do not believe that the adoption occurred either on the death of Prithce Sing, or on the death of his posthumous son, Bulwunt Sing. I believe that it was altogether an after-thought, and that Captain Lang has established* that it occurred at the moment of Tukt Sing's departure for Jodhpore, and, consequently, after his election to the sovereignty of Marwar had been announced to him. In 1841 he could not with prophetic vision have foreseen the splendid fortune which awaited him in 1843, and I cannot conceive it possible that Tukt Sing, an intelligent and active young man, would have renounced his paternal estate in favour of his son merely to assuage the grief of his sister-in-law; still less can I conceive that such an extraordinary event, had it really occurred, could have been concealed from Captain Lang and have been unknown in the province in which it occurred. The different versions which Tukt Sing has himself given of the transaction, his concealment of the event at a time when his personal interests required him to avow it, the internal evidence afforded by the deed itself of something being wrong, the testimony of the principal attesting witnesses of the falsification of the deed, constitute such a strong body of evidence as cannot be resisted or be shaken by the previous fair character of the party who is guilty of the deception. I have arrived at this conclusion with the greater regret, because Tukt Sing's character previous to his removal to Jodhpore was most excellent, and had attracted the favourable notice of Government.† I can only, therefore, suppose that the proverbial

* In his letter dated the 28th September 1844 this Officer observes — "The deed of adoption is antedated two years, in order to make it appear that he was adopted when this lady (the widow of Prithce Raj) lost her own infant child in September 1841, and that he, and not Tukt Sing, had been Rajah of Ahmednuggur from that period. It is on this ground that His Highness the Maharajah of Jodhpore now claims Ahmednuggur as the inheritance of his son, but there is no question that Tukt Sing himself succeeded his infant nephew and retained possession of Ahmednuggur as Rajah up to the time of his election in October 1843 to the gubbee of Marwar, when, a day or two before his departure, he gave his son to his brother's widow. I much regret that the Maharaj should have condescended to this act of deception, which must be regarded as a strong proof of the internal nature of his claim to retain Ahmednuggur for his son if examined and decided on its own merits alone."

† Especially on the death of his brother, Prithce Sing, when his conduct was most exemplary in preventing the widows from becoming, according to the custom of the family, suttee, and for which he received some substantial marks of the favour of

attachment of a Ryypoot for his paternal *Geras*, or inheritance, for a time overcame his sense of honour and rectitude, and that, feeling conscious that his election and adoption into the Jodhpore line involved the forfeiture of Ahmednuggur and its dependencies, and anxious to prevent that Chiefship passing into a family for whom he entertains an hereditary hatred, he resorted to this fraudulent adoption as the only mode* he could devise of retaining the possession in his own family. But admitting, for the sake of argument, that Tukt Sing has been rightly acquitted by the Political Authorities in Marwar of this grave charge, and that the adoption really occurred in November 1841, it is of no avail for Tukt Sing's purpose, since it has been clearly shown to be null and void, so far as affects the retention of Ahmednuggur, in consequence of its never having been confirmed by the British and Gaekwar Governments, to say nothing of the various legal objections to the adoption pointed out in the 66th paragraph of this Minute

72 The charge preferred against Tukt Sing is rendered the more probable from the fact that he is clearly guilty of having practised another deception on the Political Authorities in Marwar, and through them on the Government of India. I refer to his having, about six months after his arrival at Jodhpore, endeavoured to persuade them that he was never the *de jure* Chief of Ahmednuggur, but merely Regent, administering the affairs of the estate on behalf of his son. I beg to refer to paragraphs 46 and 47 of this Minute, explaining the circumstances under which Tukt Sing made this bold assertion, and to the remarks I have made, showing that, in fact, no adoption occurred in 1841, and, consequently, that the assertion must be false.

Government. It is not possible to prevent the adoption of the plan by the Government.

Captain Lang bears favourable testimony to the Maharyah's previous character in a letter dated the 16th September 1940.

* Captain Wallace in his Report of the 30th November 1844, paragraphs 4 to 6, offers some very sensible remarks on the adoption to which I beg to refer as confirmatory of the view I have taken on the subject.

73 The following facts will explain Tukt Sing's real position at Ahmednuggur at the period of his transfer to Jodhpore —His father, Kurn Sing, Chief of Ahmednuggur, died in 1835,* and was succeeded by his eldest son, Prithce Sing, who died on the 6th December 1839,† leaving one of his widows. She gave birth to a son on the 23rd May 1840,‡ who was named Bulwunt Sing, and was immediately recognized by Government as heir to the State,§ his uncle, Tukt Sing, declared his guardian and Regent during his minority. This infant died on the 28th September 1841, and when reporting the occurrence, Captain Lang stated ||— “By this event Tukt Sing succeeded to the guddee,” and on the 8th November he was recognized as successor in the following terms —“The Governor in Council is pleased to authorize Tukt Sing, the uncle of the deceased, being acknowledged by Captain Lang on behalf of the British Government, as successor to the vacant guddee.” Hence it appears that from the 6th December 1839 to the 23rd May 1840, a period of five months and seven days, the succession to the Chiefship of Ahmednuggur remained in abeyance pending the result of the widow's pregnancy, Tukt Sing, however, becoming the *de facto* administrator of its affairs. That on the birth of Bulwunt Sing he was, as a matter of course, declared heir to the estate, his uncle, Tukt Sing, being appointed Regent and guardian. Finally, that, on his death in September 1841, Tukt Sing was formally recognized by Government as Chief of Ahmednuggur. It follows, therefore, that Tukt Sing was at the time of his election and adoption into the Jodhpore family, and for more than two years previous to that event, both *de facto* and *de jure* the acknowledged Chief of Ahmednuggur and its dependencies.

74 On the receipt of the letter from the Government of India dated the 18th July 1846, Captains Lang and Wallace were required¶

* Tukt Sing's khurecta, Appendix B to Mr Greathed's Report dated the 9th October 1843

† Captain Lang's letter dated 1st December 1839

‡ Mr Malet's letter dated 17th June 1840

§ Mr Chief Secretary Ridsa's letter to Mr Boyd dated the 31st August 1840

|| Captain Lang's letter dated 4th October 1841

¶ Government letter dated the 6th November 1846

to report whether Tukt Sing was informed of his recognition by Government as successor to his nephew, and to state in whose name and authority the affairs of Ahmednuggur were administered during the two years which intervened between the death of Bulwunt Sing and Tukt Sing's departure for Jodhpore. The former officer, having been transferred from the Mahee Kanta to Kattywar, has not replied to these questions, but Captain Wallace has afforded the following information *— No communication was made to Maharaj Tukt Sing of the confirmation of Government on his succession on the death of his nephew, Bulwunt Sing, *there was no dispute and no other claimant*. The affairs have been conducted ever since the demise of Prithee Sing *in the name of Tukt Sing, only up to the period of his departure for Jodhpore, when Juswunt Sing's name began first to appear in the letters addressed to this Agency* †

75. It is scarcely to be credited that Tukt Sing would have attempted a deception in a matter when detection on enquiry was most certain. That he did so is proved beyond doubt by the facts stated in the two preceding paragraphs, obtained from the records of Government, of previous date to this dispute. I regret, also, to observe that the Maharajah has persevered in his misrepresentation, even after it had been exposed by Captain Lang, and has aggravated his offence by resorting to a quibble altogether unworthy of the high position he has recently attained. In his last Khureeta‡ he states, with reference to the death of his nephew, Bulwunt Sing, that he merely reported the event, but never wrote§ that either he or his son, Juswunt Sing, had thereby

* Vide his letter dated 30th November 1840, paragraph 1

† This is another strong fact against the alleged adoption of Juswunt Sing in November 1841, for on such an event his name would surely have been introduced into the public correspondence of the State

‡ Accompaniment to Mr. Grestie's Report of the 6th May 1846

§ I annex translation of Tukt Sing's Reports of the birth and death of his nephew. Had the alleged adoption occurred, it is reasonable to suppose that it would have been reported when he announced Bulwunt Sing's death. —

Birth of Nephew

¶ To Captain Lang, Political Agent in the Mahee Kanta, Maharaj Ali en, Maharaj Tukt Sing writes from Ahmednuggur, after compliments, as follows:—All is well here. Write to me of your welfare. I send this *kumolsee* (letter of glad tidings) to acquaint you that

become Ruler!! "If," he observes, "the Hon'ble the Governor in Council was so kind as to convey his consent to the measure, the Maharajah does not comprehend why, notwithstanding this extreme condescension on the part of the Hon'ble the Governor, up to this day *no written communication on the subject has reached him*. Had such been received, the reigning Chief of Ahmednuggur would have apprised the Hon'ble the Governor of the actual position of affairs, and this reply would have proved a happy solution of the real merits of this unpleasant controversy" I have elsewhere alluded to the inflated language in which Ahmednuggur and its Chief are referred to in the correspondence from Marwar It pains me to remark that Tukt Sing must be well aware that direct communications from Government respecting succession to estates so insignificant and unimportant as that of Ahmednuggur are never made The decision of Government is merely intimated to the Political Officer in charge of the district in which they are situated, accordingly, on reference to the records of the Secretariat, I find that no letter was addressed to Kurn Sing, or to Prithce Sing, in 1835, or to Tukt Sing on behalf of his nephew, Bulwunt Sing, in 1840, or to Tukt Sing in 1841, on the occasion of their respectively succeeding to the Ahmednuggur Chiefship

76 Having now concluded my remarks against the alleged adoption of Tukt Sing's son, having also pointed out what was Tukt Sing's position at Ahmednuggur when he was elected and adopted Sovereign of Marwar, I now proceed to enquire how far his transfer to Jodhpore affects his own right, or that of his family, to retain possession of

on Saturday, the 8th Vaisakh Vud a son was born to Maharaj Shree Prithce Singjee
You are everything to me — Vaisakh Vud 1896, Saturday

Death of Nephew

' To Captain Lang Political Agent in the Mahce Kanta, Maharaj Ad eny Mal araj Sree Tukt Sing of the Ahmednuggur Sowasthan thus writes after compliments as follows — On the 13th Asood, Tuesday, when there were four ghurrees left Maharaj Konwur Bulwunt Singjee departed this life This is a most distressing event but no remedy was of any avail Such was the will of God There have been no bounds to the affliction which has fallen on my head, but the credit and honour of the Ahmednuggur State are safe with you I am but a boy, and the affliction which I have suffered is without limit but I look up to you and have the fullest confidence in you I am ready in everything to obey your orders — 14th first Asoo Sood, Sumbat 1897, Wednesday '

Ahmednuggur It has been contended that the Chiefship may be retained either by Tukt Sing or by his family on either of the four following grounds —1st, in his own right, his accession to the Jodhpore throne not having, according to the usages of Rajasthan, affected his right to retain possession, 2nd, in right of his eldest son, Juswunt Sing, to whom it descends as an inheritance, in the same manner as it would have done had his father died, 3rd, by its descending to his eldest son in virtue of his alleged adoption by Prithi Sing's widow, or otherwise by adoption, and 4th, by transfer to a younger son. A fifth mode has been suggested by Colonel Sutherland, namely, that of election by the Sirdars and others having a right to choose a Ruler for themselves according to the practice prevailing in Rajasthan. I shall remark on each of them in the above order.

77 And, first, in regard to Tukt Sing's claim to retain the estate in his own right, the Maharajah appears at first to have been fully sensible that his adoption into the Jodhpore family involved the forfeiture of his family possessions, and it was, I conceive, solely with the view of avoiding the forfeiture that he resorted to the fraudulent adoption already exposed. I endeavoured to make the Political Authorities in Marwar believe that he was never the actual Chief of Ahmednuggur. In his interview with Captain Lang's Karkoon, however, Tukt Sing admitted,* "when I left Ahmednuggur to take possession of the Jodhpore throne, *my claim on that estate was given up*" Although Colonel Sutherland appears to have changed his opinion, he also, in the first instance, thought that the paternal estate was forfeited. "As Tukt Sing," he observed,† "*has relinquished his Ahmednuggur Chiefship for the sovereignty of Marwar, what is to become of this possession?*"

78 Soon after he had secured the Jodhpore throne, however, Tukt Sing began to contend that the guddee of Ahmednuggur had not, according to the usages of Rajasthan, become vacant by that event, and that he was at liberty to retain it or to dispose of it in any manner he thought fit. With the view of ascertaining this point, the Government of

* Vide paragraph 60 of this Minute.

† Letter to the Government of India, dated the 2nd December 1813.

India resolved* to submit five questions to the five principal Durbars,† the first of which was as follows —

“If the Chief of a Rajpoot State be elected to the Chiefship of another State, and accepts the Chiefship of such State, does he thereby forfeit all his rights of sovereignty in the State first possessed by him?” To this the Jodhpore Durbar without hesitation replied — “The Sovereign retains all his rights over his original patrimony on election to another” It seems very probable that this question, involving, of course, doubts on the subject, first encouraged Tukt Sing to maintain that he had an inherent right to retain Ahmednuggur, and that, as the discussion proceeded, he became bolder and bolder in his demands. When, however, the orders of the Hon’ble Court of Directors were received that the case should undergo further enquiry, the Maharajah was required by Mr Greathed to furnish a “further and more substantial account of the grounds on which he considered himself entitled to retain Ahmednuggur in his family” It was in reply to this call that Tukt Sing addressed to Mr Greathed the khureeta dated the 6th October 1845,‡ in which he argues that he has a right to keep Ahmednuggur, and that it does not revert to Ldur on two grounds § 1st, on the adoption of Juswunt Sing by Prithee Sing’s widow, and 2nd, on his own inherent right to retain it, notwithstanding his own adoption into the Jodhpore

* Letter from the Government of India dated the 27th January 1844

† 1st — Oodeypore		3rd — Jeypore
2nd — Jodhpore		4th — Bickaneer
5th — Bhoondoe		

‡ Accompaniment to Mr Greathed’s letter dated the 24th October 1845

§ Mr Greathed is of opinion that this double title is not, as inferred by Captain Lang, brought forward with the view of mixing up the grounds and drawing a strengthened title out of their fusion, but that their co existence is fortuitous and rather disadvantageous to Tukt Sing than otherwise, as it constitutes the chief point of intricacy in the discussion Tukt Sing’s meaning is, that but for the giving in adoption of Juswunt Sing to his sister in law, an act which appears to have been the result of private and not political considerations he would have been at liberty, after his accession to Jodhpore, by the usages of Rajasthan to have preserved Ahmednuggur as an appanage to Marwar, or to have continued the separate existence of his paternal house by giving a younger son in adoption to his brother’s widow. The latter mode of disposal obtains his preference.

Mr Greathed may have very correctly described the Maharajah’s wishes, which are, however, opposed to Hindoo law and the customs and usages both of Rajasthan and Guzerat

line The first ground has already been disposed of, the second appears to me to be equally invalid and untenable

79 In his first letter Tukt Sing asserts —“By the custom of Rajasthan the right and title to original possession does not become invalid, and is not set aside by the acquisition of another heritage and dominion,” and the assertion is repeated in the note of the Jodhpore Vakeel, forwarded with Mr Greathed’s letter of the 6th May 1846 The assertion, however, as I shall now proceed to show, is contrary both to Hindoo law and Rajpoot usage

80 Omitting Jodhpore as a deeply interested party, the replies to the reference to the Durbars of Rajasthan, noticed in paragraph 78, are unanimous that a Chief elected from one State to another, and a distinct sovereignty thereby, forfeits all rights in the State originally possessed The Oodeypore Durbar states —“The Chief thus elected forfeits all rights of sovereignty in the State first possessed by him”

The Jeypore Durbar states —“The title of the elected Chief becomes extinct as regards the former Chiefship, and it is vested in his sons or other blood relations”

The Boondee Durbar states —“Should the new territory be a branch or sief of the former State, the right will hold good, but in the event of its being entirely separate, then the claim will depend on the conditions upon which the election was made in the first instance”

The Bickaneer* Durbar states —“He becomes the Chief of the State to which he is adopted, and forfeits all claim to the former State”

The Jodhpore Durbar alone, influenced, no doubt, by their Sovereign, maintains the opposite doctrine —

“The Sovereign retains all his rights over his original patrimony on election to another ‘But,’ as is justly observed by Captain Lang,†

* Great weight is due to the opinion of this Durbar for we learn from Colonel Talbot that it is an offset of Marwar its Princes being sons of the house of Joda, who established themselves here by conquest on the northern frontier of the parent State —*Journal of India, Vol II, p 18*

† Letter dated 20th June 1846 (paragraph 11)

'this reply may at once be set aside, both as coming from one of the parties affected by the question at issue and as being in itself utterly unreasonable' Major Thoresby, moreover, admits* that the replies from Jodhpore 'are deserving of little consideration,' he might, I think, have said 'of none' "

81 In corroboration of the opinion of the four Durbars above recited, I would refer to the 30th, 31st, and 32nd paragraphs of this Minute, proving, on the authority of Colonel Tod, that an elected and adopted Chief does forfeit his paternal Chiefship. In addition to the instances therein cited, I would now add the following exception to the general rule, proving the rule itself †—"The present possessor, Heeralap, is an adoption from the Chieftainship of Koon, *but, contrary to established usage*, he holds both Heeralap and Koon, his parent fief, whereby he has a complex character and conflicting duties to fulfil" The Political Authorities in Marwar will, I think, admit that on all points relating to the customs and usages of Rajpoots, a more unexceptionable authority cannot be quoted than the able annalist of Rajasthan. His research was unbounded, the compilation of his history was a labour of love, and he so completely identified himself with his subject as, in his enthusiastic administration of the deeds performed "by the sons of Joda," to have exhibited for the Rajpoot race generally a fondness almost parental. On this high authority I learn‡ that an adopted Chief "*ought to forget that he had any other father than him he succeeds*"

82 Five precedents, however, have been brought forward§ by Tukt Sing in support of his argument that an adopted Chief does not forfeit his paternal estate. Of these, the first occurred in Jeypore, the second in Bickaneer, the third in Kotah, the fourth in Rampoor, and the fifth in Deolea. I cannot undertake positively to assert that none of these cases are exactly parallel to the one under discussion, but I

* Letter dated 21st May 1844. Captain Lang observes they are so far useful "as showing beyond a doubt the position in which Tukt Sing considers Ahmednagpur placed with regard to Jodhpore."

† *Annals of Rajasthan* Vol II., p. 66

‡ *Ibid.*, Vol II., p. 106

§ See Appendix C to Mr. Gresham's Report dated the 21st October 1845

are the strongest grounds for believing that there was no adoption at all, but that Prithce Sing succeeded to Mourassa and Ahmednuggur by right of inheritance. Admitting, however, the reverse, the adoption was altogether invalid, because it did not receive the sanction of the superior Government, of the necessity of which there can be no doubt from the precedent of Zalum Sing's widow, noticed at length in paragraph 67 of this Minute.

85 Fortunately this point had been discussed by Captain Lang before the commencement of the present dispute, and that Officer had shown that the ground on which Prithce Sing in the first instance, and after him Tukt Sing, succeeded to the Marwar share of Mourassa, in conjunction with Ahmednuggur, was, that Mourassa had always been regarded by our local officers as forming part of the Ahmednuggur State. "It is not," he observed,* "as the blood relations of the adopted son alone that the Ahmednuggur and Edur families have a right to claim Mourassa before the British Government can claim." Zalum Sing, who first adopted a son, was the full uncle of the then Rajahs of Edur (Gumbur Sing) and Ahmednuggur (Kurn Sing) and also of Purtab Sing, Kurn Sing's younger brother, whom he adopted. Had Zalum Sing not adopted, Mourassa must either have reverted to Edur or Ahmednuggur, or, perhaps, have been divided between them. "Therefore the adoption of Purtab Sing cannot interfere with their right as heirs failing the direct line of descent from Zalum Sing. The adoption merely prevented their succeeding at the time by giving Zalum Sing a son, but their ultimate right is unaffected." In fact, as already noticed,†

* Letter dated the 8th September 1842.

† Vide paragraph 21 of this Minute and Mr. Chief Secretary Willoughby's summary of the Edur case dated the 20th February 1843. This fact was noticed by the Hon.ble Mr. Fitzmaurice twenty six years ago. — The Chief of Ahmednuggur is the mortal enemy of his cousin, the Rajah of Edur, and their enmity is at present carried to the highest pitch by a dispute regarding Mourassa, which the Rajah claims as having reverted to him by the death of the last Chief without issue, while the Chief of Ahmednuggur holds it for his son, whom he alleges to have been adopted by the deceased Chief. The Chief of Ahmednuggur was always rather a rival than a supporter to the head of the family, and the Mourassa Chief, with most of the Pattawats, established their independence during the long minority of the Rajah. — Minute by Mr. Fitzmaurice, Governor of Bombay, dated 23rd February 1841.

the Rajah of Edur has never relinquished his claim to Mourassa and Byer on the ground that they originally formed an integral portion of his talooka, unjustly wrested from him by his uncle. The Rajah of Ahmednuggur, on the other hand, claims them as having formed part of a talooka which he alleges was conferred by his grandfather and uncle conjointly from Edur, and of which he, as the descendant of the elder of the brothers, is the head. In other words, he contends that Ahmednuggur, Mourassa, and Byer constitute one and not three separate Chiefships. In support of his view of the case, Captain Lang cites several letters recorded before this dispute commenced, and especially an Agreement mediated between Gumbur Sing and Kurn Sing in Sumbut 1853, or A D 1826-27,* in which Mourassa is recognized as appertaining to Ahmednuggur.

86 But besides this, the only proof which has ever been adduced of Prithee Sing's adoption by Purtab Sing is the following document,† which does not even bear a date —

“To my nephew, Prithee Sing, from Maharajah Purtab Sing. I of my own free will have adopted you, therefore enjoy my estate. Witness Ramjee Wang of the Huzoor of Annund Row Gackwar.”

The adoption of Purtab Sing by the widow of Zalum Sing was not conformable to the usages of Guzerat, but it was ultimately rendered valid by the formal sanction of the paramount Government. Prithee Sing's alleged adoption, however, is unsupported by evidence or authority of any kind, and Captain Lang contends that on Purtab Sing's death Mourassa passed to Kurn Sing, the Chief of Ahmednuggur, by right of inheritance. This occurred 20 years ago. Had Prithee Sing succeeded to Mourassa by adoption, he would, as a matter of course, have forfeited Ahmednuggur, whereas he died the undisputed Chief of

* I cite Captain Lang's letter dated the 18th January 1843, and enclosures Nos 11 to 16. The Agreement is dated Wysak Sood 10th Jeswant 1833, or A D 6th May 1827, and was forwarded to Government with Captain Lang's letters dated the 6th February 1841 and 8th September 1842.

† I have obtained this from a letter from Captain (now Lieutenant Colonel) Outram, dated the 15th August 1834, reporting on the Byer question. I may here remark that Prithee Sing, being the eldest son, was ineligible for adoption.

both places. His right was never even challenged by the Rajah of Edur, which the latter, no doubt, would have done had it rested on the adoption. When, moreover, the Collector of Ahmedabad claimed the reversion of the Marwar share of Mourassa under the circumstances stated in the 62nd paragraph of this Minute, the claim was resisted on grounds altogether independent of the adoption, namely, that it had always formed part of the Ahmednuggur State*. The validity of the original title on this ground might probably have been contested, but 20 years' undisturbed possession has established it†. The real facts of the Mourassa adoption appear to have been as follows.—Purtab Sing was adopted with the concurrence of the Gaekwar Government by Zalum Sing's widow. He died in Sumbut 1876, A. D. 1819-20, when Mourassa in reality devolved, not, as supposed by Mr Greathed, to Prithce Sing, but to his father, Kurn Sing,‡ who enjoyed it up to his death in 1835. Prithce Sing then succeeded to the Chiefship of Ahmednuggur, including Mourassa, and held both up to the period of his death in 1839. In like manner, Tukt Sing, after the death of his nephew, succeeded to the united Chiefship, which he could not have done had Prithce Sing been transferred by adoption into Zalum Sing's line.

87 The correspondence respecting the Mourassa adoptions either could not have been in Mr Greathed's possession, or must have entirely escaped his observation, otherwise, in arguing against the reversionary claim

* It is chiefly on this right (observes Captain Lang) as they call it by conquest, and the circumstance of two of the brothers, Zalum Sing and Ameer Sing having continued to reside with their families at Ahmednuggur ever after, that the several Rajahs who have possessed Ahmednuggur since Myram Sing's death have claimed the reversion of Mourassa and Byer on the failure of direct heirs asserting that they constitute one State, not three separate Chiefships; that Zalum Sing and Ameer Sing in fact, received their pergunnahs from Sagram Sing, partly, indeed, as a maintenance, but chiefly as his Deputies or Thannadars.

† These remarks are chiefly taken from Captain Lang's letter dated the 20th April 1846.

‡ This fact is inadvertently admitted by Tukt Sing in his first khurecta dated the 12th December 1843.—

* Zalum Sing became settled in authority at Mourassa and having no son, he adopted Purtab Sing, wherefore Maharajah Kurn Sing became the Chief of the three places Ahmednuggur, Mourassa, and Byer. Kurn Sing had two sons. Prithce Sing and myself. Prithce Sing was Mookhtar of these three places.—[See Captain Ludlow's letter dated 13th December 1843.]

of Edur to succeed to Ahmednuggur, he would never have observed *—
 “This point has been twice tested in the case of the Mourassa branch of the family, which has twice become extinct, and twice revived by the process of adoption, the reversionary claims of Edur on both occasions being disallowed by the united British and Gaekwar Governments”
 The peculiar circumstances under which the first, by Zalum Sing's widow, was allowed and confirmed has already been explained, and with regard to the second, or that of Prithee Sing, it is above shown that no adoption occurred, or, at all events, that it never received the original confirmation. The chief precedent, therefore, on which the Jodhpore Authorities rely in support of their assertion that an adopted son does not forfeit his own patrimony is thus disposed of, their object having been to establish that Prithee Sing, having first obtained Mourassa by adoption, afterwards succeeded to Ahmednuggur by right of inheritance, and therefore, that, as Tukt Sing has now been adopted into the Jodhpore line, he is still at liberty to retain the family estate.

88. Tukt Sing has also endeavoured to establish that an adopted son retaining the family estate in addition to what he may acquire through his adoption is conformable to Hindoo law, and in Appendix D to Mr Greathed's Report of the 24th October 1845 will be found texts

* Letter dated the 6th May 1846. The present Political Agent in the Mahee Kanta, Captain Wallace, in his letter dated the 30th November 1846, paragraph 3, observes —

“In the first place, in the Mahee Kanta adoptions are not the purely family affairs, in which no third party has a right to interfere, that Maharajah Tukt Sing a Vakeel would represent them, the British Government having asserted and enforced the right to sanction or annul them in cases of dispute. Witness the important case of Amlecar when an adoption was annulled on investigation, the Government of Bombay thus expressing its right to do so as the Lord Paramount on the 11th June 1836. In the present case no party can plead prescriptive enjoyment, the dispute commences *in limine*, and the adoption, which one party contests has never received the recognition necessary to render it valid. My predecessor, writing in September 1812 a year before this case of Ahmednuggur was mooted, spoke of a former adoption of Prithee Sing into the Mourassa family “as the very irregular and entirely unsanctioned adoption of Prithee Sing, and here I beg to correct an error into which the Political Agent at Jodhpore has fallen in supposing that because the Mourassa branch of the Edur family has been twice renewed by adoption, and the reversionary claims of Edur to that estate disallowed on both occasions by the united British and Gaekwar Governments, this fact tests the non-existence of those claims in right whereas the decisions of those Governments were founded on certain transactions between the families of Edur and Ahmednuggur unnecessary to dwell on here, but quite unconnected with the adoptions, which were hardly noticed at all.”

from Grunths* on which he attempts to establish this point. "Their drift" (observes Mr Greathed) "appears to be that a widow is bound to adopt a son, except under certain circumstances, with or without her late husband's permission, and that an adopted son does not lose his claim to the patrimony left by his real father, provided the real father has no other sons. In this position Maharajah Tukht Sing stands"

89. Although I conceive the remarks contained in the 66th paragraph of this Minute sufficiently disprove the above statement, I deem it proper to explain what is the law of this part of India on the point at issue. Captain Lang asserts that the rule is, that an adopted son forfeits all his rights in his natural father's family, the only exception recognized in the present *Pag*, or age of Hindooism, to the general rule being, when an agreement has been entered into at the time of adoption that the son given is to perform the obsequies and succeed to the property both of his natural and adopted parents. The texts adduced by Tukht Sing are, he observes, so mixed up with comments, that it is impossible to ascertain where the former terminate and the latter begin. To clear up this point the Political Agent consulted a Shastree of Guzerat, who declares† that he is not aware of any texts in the *Nirnee Sindhoo* or other Grunths allowing an adopted son, if an

* Chiefly from the *Beer Mintur Oodya Grunth* and the *Nirnee Sindhoo*. A text in the latter states that an adopted son may perform his natural father's funeral obsequies and inherit his property in the absence of any other son, and explains that the text of Menu to the contrary refers to cases where there are other sons.

† After stating that twelve sorts of sons are recognized in the *Nirnee Sindhoo* and that only two of these (*Dorus* and *Dattuk*) are recognized in the present age, he explains — "It is nowhere written, that I can ascertain, that an adopted son, being an only son of his natural father, shall perform the *Shradh* and enjoy the property of his natural father." Neither is it written that an adopted son, if the only child of his natural father, shall succeed to his father's property, but that, if there are other sons, he shall forfeit all claim to such property. No distinction is made between the two cases. It is nowhere mentioned that, in the event of there being no other son, the son adopted into another family shall perform the *Shradh* and enjoy the property of his natural father. In the *Vowaha Myok* and *Dattuk Chundreeka* two sorts of adopted sons are mentioned, viz., a real adoption when the son adopted ceases to have any claim on his natural father, and, 2nd, an adoption when, at the time of making it, the natural father has stipulated with the adoptive father that he gives him his son, who is, however, to be the son of both. Under such an agreement, if the natural father die without other sons, his *Shradh* shall be performed and his property enjoyed by the adopted son; but this rule is not applicable to the present age, if a son of two fathers being included amongst the ten kinds of sons who are

only son, to inherit his natural father's property, and that, if any such doctrine exists, he considers it must refer to some of the ten descriptions of sons allowed in former ages of Hindooism, but declared by all the Shasters to be *Neesheedh*, or inadmissible, in the *Kul Jog*, or present age. The same Shastree also declares that the adoption of a person, himself a father (as in Tukt Sing's case), is illegal, and that the law debarring an adopted son from inheriting his natural father's property is absolute, even though an agreement were entered into to the contrary, which, though permitted in former ages, is disallowed in the present. In reply to the following question — 'In the event of any being adopted by another, can he inherit the property of his natural father?' the same Shastree states — In the Shaster it is written that an only son should not be given in adoption to another. Should there be many sons, *the eldest cannot be given*. This is the custom, but in the event of the natural father losing his other son, and afterwards dying without heirs, then the son whom he may formerly have given in adoption cannot on that account, according to the Shaster, inherit the property of his natural father, but in the event of the natural father giving a son into another family of his own race and kindred, and afterwards dying without heirs, such son may inherit the property *as nearest of kin, but not as the son of the deceased*. Of the twelve kinds of sons mentioned in the Shasters, one is called *Dwa Moosham Putr*, or the son of two fathers, who (the natural father) at the time of adoption stipulates with the adoptive father that he shall lose his rights in his own son, but that he shall be considered as belonging to both. Under this agreement the son inherits the property of both fathers, but this is not applicable to the present *Jog*. It is *Neesheedh*, or inadmissible, as also are nine other kinds. Only two, *Oorua*, one's own legitimate son, and *Duttuk*, an adopted son, remain. An adopted cannot inherit his natural father's property, because his parents (*father and mother*) have bestowed him on another (*Ooduck Punwack*), signifying a certain form of making an irrevocable gift, or taking a solemn oath by placing water in the palm

note *Neesheedh*, or inadmissible. It is not written in any Shaster that an adopted son can inherit the property of both fathers in the event of there being no other son. Nor that as long as an adopted son exists no collateral relations can inherit the property of his natural father — See enclosure No. 1 to Captain Lang's letter dated 22 August.

of the hand and giving it into that of another, or swearing by it, and then throwing it on the ground. He who has been given in this way loses all connection with his natural father both are separate from each other.

90 Another Shastree, named Rugoonath, admits* that, by a mutual agreement, an adopted son may be regarded as the son of both parents, and inherit his natural father's property if there are no other sons. No case of this kind, however, has occurred to his knowledge †. If no such agreement is made, the adopted son can have no claim on his natural father's property, real or personal. He supports this opinion by original texts in Sanscrit. A third Shastree states, on the authority of the Dhurum Sindhoo Grunth, a digest of all Grunths, that if a man be adopted into a superior family, he has no claim whatever to the property of his natural father, because he has left the race and family in which he was born and has gone into another. If the adopted son be born and unmarried, he may perform the *Sootuck* ‡ he is also forbidden to marry into the family for three generations. It is customary to adopt the son of one's brother, if he has not one, the son of a cousin, next the son of a more distant relation. If there is no son to adopt from the paternal race, it is usual to select one from the mother's side, *but the son selected for adoption must be young and unmarried*. Should there not be one unmarried, then one that is married may be adopted, *provided he has no child*. Thus it is prescribed in the Shasters. It is not mentioned in any Grunth whatever *that a person having a son can be adopted*.

91 The question of law, however, was set at rest during the discussion of the Mourassaḍ adoption by the replies of the Hindoo Law

* Enclosure No. 8 to Captain Lang's letter dated the 25th April 1840. In this letter one of the Shastrees consulted is represented to be a learned man of Surat and both are stated to have been witnesses of the case under appeal.

† Here no doubt the Shastree refers to a kind of adoption now obsolete called *Duḥyān* or the son of two fathers for an account of which see Mr. Sutherland's *Synopsis of Hindoo Law* p. 40 and Sir Thomas Strange's *Elements of Hindoo Law* Vol. I. p. 67.

‡ Ibid. enclosure No. 9.

§ In this case the Shasters were referred to. This fact is proved by the documents Nos. 3 and 4 annexed to Takt Sān's khirca Appeal & B to Mr. Grantleda's Report dated 21st October 1840. In the first a letter from the Cuckwar to Murtab Sing on his

Officers of the highest Court of this Presidency to the following questions —

Questions referred by Government for the opinion of the Law Officers of the Sudder Dewannee Adaulat on the 20th July 1812

1st.—If A be adopted by B, and by the death of A the family of B become extinct, can the collateral relations of A, according to Hindoo Law, succeed to the estate and property of B?

2nd.—Whether, in the case above supposed, does A forfeit his hereditary rights in his own family for those he may acquire by virtue of his adoption?

3rd.—Whether the blood relations of A can acquire a right to property originally belonging to the adoptive father of A?

Replies thereto submitted by the Judges of the Sudder Dewannee Adaulat on the 19th August 1812

1st.—The collateral relations of A cannot, by virtue of that relationship, according to Hindoo Law, succeed to the estate of B, the adoptive father of A, on the decease of the latter

2nd.—In the case above supposed, A does forfeit his hereditary right in his own family for those he may acquire by adoption

3rd.—The blood relations of A cannot acquire a right to property originally belonging to the adoptive father of A, unless they be likewise related by blood to him, in which case they succeed according to the proximity

This exposition of the law was obtained more than a year before the commencement of the present dispute, during the discussion of a case in which Tukt Sing's personal interests were deeply involved, and it is, therefore, of the greater value. It is directly opposed to Tukt Sing's alleged inherent right to retain Ahmednuggur after his adoption into the Jodhpore family, and establishes an entire severance, as far as relates to the succession to property, between the party adopted and his original

adoption by Zalam Sing's will it is said, "afterwards the Vakeel of both parties came to the Sarkar. Having searched out former documents and assembled four Shastrees and ascertained from them the rule laid down in the Shasters these persons pronounced that the adoption was legitimate and that Gumbur Sing possessed no legitimate right or title."

family. The opinions of the Shastrees of Guzerat are valuable because they refer more particularly to that province, by the customs of which the present case is to be determined, they will, moreover, be found to correspond generally with those laid down in the works on Hindoo Law cited in the 66th paragraph of this Minute. While I quite concur* with Colonel Sutherland in his remarks that political successions need not be regulated according to a rigid interpretation of Hindoo Law, I cannot admit that we should be justified in a case like the present, where the rights of inheritance have been totally disregarded *under the cloak of the Hindoo Law of adoption*, altogether to set at nought the principles on which that singular law is founded. As I have already remarked,† moreover, the custom under which Tukt Sing has been elevated to the throne of Marwar is obviously grounded on that law, the leading principle of which is, that an adopted son is entirely lost to his own parents. In his own family he is as it were dead, he has become the child of another, and either by himself or through his natural parents has renounced all claim to inherit his own father's property in exchange for the rights of inheritance in his adoptive father's family. Such is the law as expounded by Colebrooke and Sutherland, Macnaughten† and Strange, and such is the law daily enforced

* See, however, note at the commencement of this paragraph showing that the Mourassa case was decided after reference to the Shasters and in favour of Tukt Sing's family. How, then, can Tukt Sing now complain if his right to retain Ahmednuggur is determined on the same principles?

† Vide paragraphs 30 to 39 of this Minute.

‡ In addition to the proofs cited in paragraph 66 and the note thereto may be quoted the following from Macnaughten's *Principles and Precedents of Hindoo Law*—'It is, lastly requisite that the adopted son should be initiated in the name and family of the adopted party with the prescribed form and solemnities. The adoption being once completed, the son adopted loses all claim to the property of his natural family. His own family have no claim whatever to any property to which he may have succeeded, and in the event of a son so adopted having succeeded to the property of his adopting father, and leaving no issue, his own father cannot legally claim to inherit from him, but the widow of his adopting father will succeed to the property. He becomes to all intents and purposes a member of the family of his adopting father, and he succeeds to his property collaterally and lineally.—Vol I, p 69. The same author also gives the opinions of the Hindoo Law Officers attached to the different Courts of the Presidency of Fort William in reply to questions; one of them is—

'Is a son given (Duttal) entitled to inherit from his natural father?

'Answer—A given son has no right to succeed to his natural parents, as Menu says a given son must never claim the family and estate of his natural father. The

in our Courts of Law throughout almost every part of India, a law which inflicts no hardship, adoptions rarely occurring where (as in Tukt Sing's case in a remarkable degree) the party adopted has not a fair prospect of gaining far beyond what he relinquishes.

92 Hence it appears that Maharajah Tukt Sing has no inherent right to retain Ahmednuggur after his adoption into the Jodhpore family. In fact, although His Highness has contended for this right, it will in the sequel be seen that he has virtually abandoned his position by desiring to dispose of it in another manner. I now proceed to the second head, or to enquire whether the estate ought to descend to his eldest son as an inheritance, in the same manner as it would have done had Tukt Sing died a natural death. From the commencement of this dispute Captain Lang has argued that, in consequence of Tukt Sing's transfer to Jodhpore, his sons, equally with himself, have forfeited Ahmednuggur, and should be required to renounce all claim to that possession,* and this Government appear also to have from the first concurred† in this view of the question. Colonel Sutherland, on the other hand, in his final Report on the Ahmednuggur succession, maintains‡ that, if Hindoo Law is to govern the case, Juswant Sing has not forfeited his natural rights, since he is not the son of an adopted father, and himself inherits his father's original rights through his adoption by his father's brother. In support of this position Colonel Sutherland has fallen into the serious inconsistency noticed in paragraph 40 of this Minute by declaring that "*It was never, of course, intended that Tukt Sing, a person of mature age and the father of a family, should be adopted by the widow of Maun Sing*" and assumes for granted the disputed fact that Juswant Sing was duly adopted. "It is now well established" (he observes) "that his son, Juswant Sing, remained behind to succeed to his father's patrimony in virtue of his adoption by the widow of its last Chief, the elder brother of his father." For my remarks on this subject, I beg to refer to

funeral cake follows the family and estate, but of him who has given away there is no obseques fall."—Vol. II., p. 182.

* Letter to Government dated the 20th October 1843.

† Letters to the Government of India dated the 30th October and 1st November 1843.

‡ Letter to the Government of India dated the 10th June 1844.

paragraphs 56 to 71 of this Minute, and I will only here repeat, with reference to this denial of an adoption on the one hand and assertion of an adoption on the other, that it has been clearly shown that, admitting the first, the consequence will be to deprive Tukt Sing of the Crown of Marwar, since by the customs of Rajasthan adoption is essentially necessary to give validity to his election, and with respect to the second, it has been shown with equal clearness that the asserted adoption never occurred, and even admitting it did occur, it was altogether invalid from not having received the confirmation of the Paramount Government. The basis of Colonel Sutherland's argument is therefore in either case destroyed.

93 In reply to the argument of the Bombay Government that *Tukt Sing, having himself forfeited Ahmednuggur, and his only son, Juswunt Sing, having been invited to accompany his father as heir apparent, forfeits the Chiefship*, Colonel Sutherland observes that it can scarcely be meant that the mere invitation involves forfeiture of his claim, since he did not accept it, but remained at Ahmednuggur. He elsewhere states that until he returned to Rajpootana he was under the impression that the son had accompanied the father for the purpose of being adopted by the widow of Maharaj Maun Sing, *since the father was too old to be adopted*, and in that case the father would have been Regent only of the principality, *as he appears to have been of the Chiefship of Ahmednuggur* from the period of his brother's death and son's adoption. To this it may be replied, that if the father was too old to be adopted, he is not now, according to the customs of Rajasthan, Sovereign of Marwar, and the error in supposing that Tukt Sing was Regent of Ahmednuggur has already been pointed out*. Juswunt Sing being, moreover, an infant, is himself unable to judge what is best for his interests, and I shall hereafter show that it would be the extreme of injustice if those who ought to decide for him with reference only to those interests are permitted, for a temporary purpose, to exclude him from the succession to the throne of Marwar. We cannot, moreover, disguise the fact that Tukt Sing is in some degree indebted to

* Vide paragraphs 72 to 75 of this Minute

his own irregular election, to the tacit consent* of the British Government, and I am of opinion that we have fair grounds for insisting, especially when we consider the injustice which the Edur or elder branch of the family have already suffered, that Tukt Sing's election and adoption as Sovereign and his son's election as heir apparent shall be regarded as one and the same act, and that, if the first is to be held irrevocable, the second shall be so also.

94. Let us, however, now enquire how far Tukt Sing's claim to retain Ahmednuggur in his son's right is supported by the custom of Rajasthan or Hindoo law. To elicit the former, the Government of India put the following question to the five Durbars mentioned in the 78th paragraph of this Minute —“If the Chief of a Rajpoot State elected to the gудdee of another State forfeits all his rights of sovereignty in the State he first possessed, does the forfeiture extend to his sons? Are they compelled to adhere to the father's election and to give up the State they would otherwise have succeeded to? The following is the substance of the replies:—

Oodeypore.—“The forfeiture extends to his sons, and they must give up the State they would otherwise have succeeded to.”

Jeypore.—“The title of the sons holds good as regards the former Chiefship. Should a son be born after the election of a Chief, the said son

* It can scarcely, however, be said that we stood neuter on the occasion. On Maun Sing's death Captain Ludlow, our Political Agent, reported — I apprised the assembled Chiefs that the Government of the country would be conducted during the interregnum by the Council of Sirdars appointed by their late Chief and the Karbars of the Raj and myself, and I requested their united and cordial co operation in giving effect to this object. —Letter reporting Maun Sing's death dated the 6th September 1813. When, moreover, Tukt Sing was elected, Captain Ludlow at once cut the matter short “by yielding to the requisition of all parties, and addressing a khareeta to His Highness inviting him to the capital to assume the Government in anticipation of the sanction of the Government of India, as the rival claims asserted to the gудdee of Marwar tend to keep the public mind in a state of anxiety, and any delay in the investiture, it might be feared, would lead to some commotion in the distant provinces. —Letter to Colonel Sutherland dated the 15th October 1813.

When, also, Captain Lang, on Tukt Sing's election in anticipation of this dispute, placed Ahmednuggur under attachment, it was removed by order of the Government of India, which alone prevented the Edur Authorities from endeavouring themselves to assert what they consider their undoubted rights. —Letter from Captain Lang dated the 3rd November 1813.

would become the inheritor of the new principality, but should no son be born after the election to the new Chiefship, the eldest of the former children would be entitled to succeed to the new principality. Should there be but one son, an own brother of the elected Chief would become the inheritor of the former possession. If the elected Chief have no brother, then the next of kin would possess the former principality."

Jodhpore —The party interested, of course, replies —"Yes, if the Sovereign elected to rule over a State retains his sovereignty in that he originally ruled, the sons of that Sovereign retain their rights in that State."

Boondée —"The son's right to the former territory will be in a similar degree to the father's, as expressed in the reply* to the first question, but should either son, on his father's resignation, be appointed to the rule, that son's claim to the former State will be valid."

Bickaneer —"If the son accompany the father who has been adopted, he will become entitled to succeed to the sovereignty of the new State, and should he remain behind, he will become the Chief of his father's State, but can have no claim in respect to the second State."

95 We may concur with Colonel Sutherland† that very little importance can be attached to the testimony afforded by these replies. The Durbars of Rajsthan are, he observes, doubtless liable to be influenced by actual or expected occurrences in their own line of succession, and amongst Rajpoots generally precedents may be found for almost every conceivable case in matters of succession and inheritance, and such references, therefore, are more interesting than useful‡ Nothing, however, more forcibly marks the anomaly of the present case than the

* For this see paragraph 80 of the Minute. This reply to the second question is not very minute. Captain Lang interprets it to signify, If by his election to the sovereignty of the new State the adopted Chief loses his right to his original patrimony, his son's right thereto must be equally forfeited.

† Letter to Government of India dated 10th June 1819.

‡ In his letter dated the 22nd April 1817, paragraph 4. Captain Lang assents to this opinion —"It requires but little knowledge I think of the Native character fully to concur in the soundness of this opinion for there are but few Native Durbars who would not be likely to be influenced by even less powerful considerations than those

inability of Tukt Sing's party to cite from the annals of Rajasthan a single parallel instance. The reason is obvious. The customs of that province will not admit of "a person of mature age and the father of a family" being eligible for adoption, and though they have been set aside in Tukt Sing's favour, it follows as a necessary consequence that no law or custom exists by which his son's condition, consequent on his own adoption, can be defined. In fact, the case hypothetically put by the Government of India has not occurred, and never can with propriety occur.

96 Were it, however, necessary to decide on the value of these replies respectively, I should myself have no hesitation in giving a preference to those of Oodeypore, "that illustrious house" (to use the words* of Colonel Sutherland) "which belongs to the highest antiquity, and whose Prince is still considered King† of the Hindoos." These appear to me to be "far more intelligible‡ than those of the other Durbars, whether tested by reason, by justice, or by political expediency. It is surely both reasonable and just that a person adopted into a superior family, and thereby succeeding to a superior estate, should forfeit the claim to his family patrimony, since he becomes thereby the son and heir of a different father. That, at least, his own eldest son and natural heir should follow him in his new fortunes seems equally proper in whatever light it may be viewed, and it is certainly not less politic that if any adoption is to be made in order to retain the original patrimony in the family, it should be made from one of the younger children of the removed Chief, and not in the person of his eldest son and rightful heir in his new possessions." I am equally at a loss with Captain Lang to discover the grounds of Major Thoresby's opinion that the replies of the Oodeypore Durbar, so adverse to the pretensions of

mentioned by Colonel Sutherland; but with this very necessary caution against relying too much on comparatively impartial testimony, it is surely as unjustifiable as it appears inconsistent to place such implicit confidence in the assertions of the Jodhpore Durbar in a case in which the interests of its present Chief are so directly concerned.

* *Sketches of the Relations subsisting between the British Government in India and the different Native States*, p. 71.

† The reception of the Tiluck, or a gun of royalty, from the Rana of Oodeypore. The descendant of Rana is considered by all the Chiefs of India the highest of privileges.

‡ Letter from Captain Lang dated 11th 20th June 1841.

Tukt Sing, or any member of his family, retaining Ahmednuggur, "are equally undeserving of consideration" as those* of Jodhpore, the interested party in the present dispute, or why he should consider those from Jeypore as generally correct and appropriate which, while they negative Tukt Sing's right to retain the Chiefship, advocate its retention in his family. Major Thoresby has assigned no reason whatever for this opinion, and in the absence of explanation, his coupling† Oodeypore and Jodhpore as equally valueless seems unaccountable, for I am not aware that Oodeypore is in any way interested in this dispute, and there can be no little doubt that it ranks as the first of all of the Principalities of Rajasthan, and is universally regarded as the head of all Rajpoot States. The Oodeypore Darbar states, without reservation, that both father and sons forfeit the original estate. Jeypore, on the other hand, while it negatives the father's right, supports that of his eldest son, and would thereby deprive the latter, in the event of the birth of a younger son, of what may be held to be his birth-right, namely, succession to the superior Chiefship. If, however, no younger son is born, the right of the eldest is admitted to the exclusion of other heirs. This seems to me to be inconsistent and unreasonable, but, at all events, it is opposed to the views entertained by the Ranees and Sudars at the time of Tukt Sing's adoption, and is at variance with the opinions of the Boondee and Bicknacer Courts, since, as I have already shown,‡ when Tukt Sing was elected Sovereign, his then only son, Juswant Sing, was chosen as heir apparent to the throne of Marwar.

97. For the reason stated in paragraph 95, we cannot expect the point at issue to be expressly provided for in the Shasters or Hindoo Code of law, as these do not recognize as eligible for adoption one who is adult and a parent they could not provide for a case like the present, in

* In an appendix to his letter dated the 20th Jano 181, Captain Lang, with the view of enabling Government to contrast the opinions of the five Durbars, has placed their replies in juxtaposition, which will be found extremely useful for the purpose of reference.

† His words are — "On a careful perusal of the replies now transmitted, those received from Oodeypore and Jodhpore are of a character deserving of little consideration, while, on the contrary, those from Jeypore are generally correct and appropriate."

‡ In the paragraph 13 of this Minute.

which the principles on which the Hindoo law of adoption has been violated. In other words, the Shasters do not define the consequences of an adoption upon the adopted son's own children born prior to his adoption, because they do not contemplate such a contingency. An adoption like that of Tukt Sing would be declared null and void in every Court of Law in India. But as, from political considerations, this illegality must be waived, and as the adoption must, I imagine, be now upheld by the British Government as Lord Paramount, the consequences on Tukt Sing's children must, I conceive, be determined by analogy and according to the principles of justice and equity, for there is no applicable precedent to guide us.

98 Captain Lang, however, referred the point at issue to the Shasters alluded to in paragraphs 89 and 90 of this Minute, namely, whether, according to Hindoo law, in the case of an adopted son having himself a son born prior to adoption, the latter was or was not bound to follow his father's new fortunes, or whether he could remain behind to inherit the original patrimony. The opinions of both are that he must follow his father. The first of these, by name Rugoonath Wittul, states *—"In the absence of agreement to the contrary, *the son must follow the fortunes of his father into the new family, and therefore forfeits all claim he had to the real and personal property of his original family, and succeeds to the rights, &c, real and personal, of the family into which his father has been adopted*." Here follows an extract in Sanscrit from the Shasters in support of this opinion. The second states †—"He who is adopted has no claim whatever to his natural father's property, and as the claim of a son to the property of his grandfather is through his own father, it follows that, according to the Shasters, if the father forfeits his rights on being adopted into the family of another, the son's right to the inheritance is forfeited also. This, at all events, according to my judgment, is the correct inference to be drawn. No distinction is made in the Shasters between *Stawur* and *Jungum*, real or personal property. No claim exists on either, both are alike forfeited." This Shastree, however, adds

* Enclosure No. 8 to Captain Lang's letter dated the 20th June 1841.

† Enclosure No. 9.

that as one adopted ought to be young* and unmarried if possible, or, if married, ought not himself to be a father; and as it is no where stated in the Shasters that a person who is a father is eligible for adoption, his answer is according to his judgment and drawn from inference.

99. I think, therefore, that the Board will experience no difficulty in deciding that neither by the local custom of Rajputhan or Gujerat nor by Hindoo Law can Tukht Sing's eldest son claim to hold the Ahmednagar Chiefship in his own right, in the same manner as it would have descended to him by inheritance had his father died. His father having forfeited it in consequence of his adoption, it only seems reasonable that all those who can claim through him alone should forfeit it also, for, as has been remarked by Captain Lang, it is not to be supposed that the Hindoo Law would sanction so great an assembly that a son should possess a right to what his father had forfeited. The parties who elected Tukht Sing gave a very significant intimation of their opinion on the subject when they invited the son to accompany the father, for this proved that they considered both alike to belong to Jodhpore.

100. I now proceed to the third head, or to enquire whether Tukht Sing's eldest son can claim Ahmednagar in virtue of his alleged adoption by Feroze Sing's widow, or whether it can be retained in the family by any other kind of adoption. The first part of this question has

* There is some difference of opinion in regard to the age of the party eligible for adoption. In a disputed case the Bengal Sadler Dowrye Mahomed ruled that one who had undergone the initiating rite of tonsure in the name and family of his natural father is not eligible for adoption, and that it is necessary that this rite should be performed in the adopter's name and family. Mr. Sutherland doubts whether this can be held as constituting a general rule, the *Caraca*, *Manu* and *Chandrowka* admitting the adoption of one although the above rite has been performed. Mr. Colebrooke, on the authority of the *Caraca*, *Parasma*, states—"Adoption, therefore, depends on the ceremony of tonsure. It does not require the several solemn rites from the section of the *navel* string until the child be fed with rice, and that ceremony of tonsure is valid even when performed at the season of investing the child with the mark of his clan; but adoption is limited to the 12 years." But after their 12th year, O King's sons given, and the rest must not be adopted. Yet the adopter take a boy of five years old, and first perform the sacrifice for man offspring—*Dogra*, Vol. III, p. 224. See also the same author, p. 225. For Sir Thomas Strange's opinion on the point at issue, I beg to refer to his *Elements of Hindu Law*, Vol. I, p. 72, and Vol. II, p. 62. The mass of authority is undeniably in favour of the party adopted being of the tenderest age. What may be the exact limit as to age is undoubted, but it certainly cannot include a person in the position of Tukht Sing. Having said so much I bow out.

already been answered in the negative by its having been shown,* 1st, that Juswunt Sing was not adopted by Prithee Sing's widow, but that the transaction was altogether fraudulent and fictitious, or 2nd, that, admitting for the sake of argument that an adoption did take place, it is useless for the purpose of retaining Ahmednuggur in Tukt Sing's family, because it was never reported to, or received the confirmation of, the paramount authority, which, by Tukt Sing's own showing, could alone give it validity.

101. The remaining portion of the question would never have occurred to me had not Colonel Sutherland recorded an opinion upon it in the affirmative. After stating that Juswunt Sing was actually adopted in 1840 on the death of Prithee Sing, he observes† that, had there been no adoption up to the period of Tukt Sing's election, he would consider it in consonance with Rhatore usage for the widow of Prithee Sing, on the abdication of her husband's brother, to adopt a member of their family, and so preserve the independence of their house to the exclusion of the house of Edur. This opinion is repeated in his final Report‡ on the Ahmednuggur question, in which Colonel Sutherland observes —“It was quite competent for Prithee Sing's widow to adopt Juswunt Sing on the eve of his father's departure for Marwar in 1843 as on the death of her son in 1840, and it has, I think, been clearly proved that the adoption took place at the former, and not at the latter, period, and that the Maharajah stands clear of any fraudulent act.” And in the same letter, after admitting that the provision alleged to have been made by Sheo Sing for his younger son “would in the present day, or for many generations past, be unusual in any of the principal sovereign houses of Rajpootana,” Colonel Sutherland observes —“But the provision and separation once made, it is competent for the junior house to continue it by adopting members of the same name, and thus preventing its absorption in the senior family.”

102. Here Colonel Sutherland contends that Juswunt Sing was actually adopted in 1841, which is erroneous. If driven from this position, however, he contends that he might have been adopted on his

* Consult paragraphs 46 to 71 of this Minute

† Letter to the Government of India dated the 16th May 1846

‡ *Ibid.*, dated the 10th June 1846

father's abdication in October 1843. This, however, is a mere *ipse dixit* opinion, for no law, custom, or precedent is cited in support of it. With every respect for this distinguished Officer, therefore, I consider it would be supererogatory seriously to entertain the question. The following extracts from Captain Lang's Reports will suffice to show how untenable the doctrine is that a Hindoo widow may adopt at any other time than on the decease of her husband. Tukt Sing* expected to succeed to Edur had its young Chief obtained the sovereignty of Marwar, and how can the widow of Prithce Sing be allowed to adopt a son *after having lost her husband nearly four years ago and her own son nearly two*? Again, "Tukt Sing's† eldest brother died in 1839, and his young nephew who succeeded in 1841, Tukt Sing, then became Rajah of Ahmednuggur, and retained it as such for upwards of two years, till his election to Jodhpore in 1843. The proposed adoption, therefore, of his son by his brother's widow, *besides the anomaly of making the succession retrogressive*, would have the effect of restoring to her an estate which had fairly lapsed from her infant son to the next of kin (Tukt Sing) two years before, and to which there were still near collateral heirs living." In his final Report‡ Captain Lang remarks—"Colonel Sutherland, however, considers that the adoption might have taken place at this latter period (October 1843) without any impropriety, or, in other words, that after reigning at Ahmednuggur for two years§ Tukt Sing would have been justified in restoring the

* Letter dated the 8th November 1843

† Letter dated the 20th June 1845, paragraph 20. In a former letter, dated the 8th November 1843, Captain Lang observes that, had Tukt Sing and his son both died, the idea of his deceased brother's widow adopting a son from another family would not have been entertained for a moment, and argues that, as "Tukt Sing and his son by the adoption of the former into the Jodhpore house are virtually dead as far as relates to Ahmednuggur, it must revert to Edur, the parent State, as matter of strict and undoubted right." Mr. Gresham concedes this, but observes in such case the right to adopt would have vested in Tukt Sing's widow. This is true, provided the paramount Government gave its consent, which is not likely.

‡ Letter dated the 22nd April 1847, paragraph 8.

§ In illustration of the unreasonable nature of the claim, Captain Lang supposes the case of the Ranees of Edur and her son dying, and asks whether on such an event the two surviving widows of Gumbur Sing would be permitted to adopt a son. Replying of course, to this question in the negative, he observes that the difference between the supposititious case and the retrogressive adoption claimed for Prithce Sing's widow is merely one of length of time during which the widowhood has lasted. If, therefore, from the long time which has elapsed, the absurdity of the one is self-evident, nothing more can be required to show that the principle of the other is utterly untenable.

succession to his predecessor's widow by allowing her then to adopt his son. If such a thing can be done, however, it must be evident that the succession to every Hindoo or Mahomedan estate might always be kept from the collateral branches of the family, however near, which I am satisfied not even the power of our Government would induce the Rajpoots in this part of the country to tolerate without resistance. It is evident, however, the Ahmednuggur people were of a different opinion from their antedating the deed of adoption, and Tukt Sing has no reason to complain if the case is tried on the grounds on which he has himself endeavoured to place it." In these remarks I cannot but concur. I have elsewhere explained what are the principal requirements in respect to adoptions by Hindoo law and by the customs of Rajasthan, and it will be sufficient to meet the mere assertion, unsupported by any authority, that the right of adoption may be held in abeyance for three years, and then be exercised simply to exclude collateral heirs with a direct negative.

103 It having thus been made manifest that Tukt Sing's eldest son cannot retain the paternal estate either in his own right or by adoption, this seems a proper place for offering a few remarks on the injustice, as well as impolicy, of excluding him from the succession to the sovereignty of Marwar. From the inflated terms in which Ahmednuggur and its Chief are alluded to in this correspondence, I apprehend a very erroneous idea may be formed at a distance of the value and importance of this Chiefship. This I have endeavoured to correct in the paragraph of my Minute. Its annual value does not exceed Rupees 50,000, from which a considerable sum is paid as tribute to the British and Gackwar Governments, on whom it is entirely dependent. Contrasting, then, this possession with the splendid acquisition which, by an unexpected stroke of fortune, his father has lately obtained, is it just to decline on the part of his infant son the invitation of the Ranees and Sirdars of Jodhpore that he should become heir apparent to that State? Is it also politic? I should certainly say, not. Juswunt Sing, being now unable to choose for himself, will, on arriving at man's estate, become discontented at having been juggled out of what he will consider his birth right, and if this is permitted, we may be

unwillingly sowing the seeds of a political contest in Marwar likely to disturb the peace, not only of that province, but likewise of Guzerat

104 Aware, however, that by no other mode could he hope to retain Ahmednuggur, Tukt Sing on his own adoption declined the invitation simultaneously made to his son to accompany him to Jodhpore, but left* him in charge of Ahmednuggur. On this subject Captain Lang has remarked —“Tukt Sing's son is now entitled by right of birth to be regarded as heir apparent to the Jodhpore throne, and however convenient it might be for the Ahmednuggur people to deprive him of this, for the present at least, with the view of depriving the Eddi Durbar of what cannot, in my humble judgment, be justly withheld from it, I should think there could be no hesitation on the part of Government in at once disallowing such an adoption, the more especially as *six years have elapsed since the death of the adoptive father*”†

105 Indications, moreover, have already occurred of the disputes and heart burnings which may be expected to occur if Juswunt Sing is excluded from succeeding to the sovereignty of Marwar. “Intrigues are now at work” (reports‡ Captain Lang) “at Jodhpore in consequence of his not having gone, one party in the State wishing that the younger son born since Tukt Sing went to Jodhpore should succeed, and Juswunt Sing's mother and the Maharaj himself being evidently naturally determined to exert themselves to the utmost to secure the succession to the eldest son.” In October§ 1814 Captain French, Officiating Political Agent at Jodhpore, reported that intrigues were in progress to secure Juswunt Sing's recognition as Tukt Sing's heir in *preference to any younger son*. On this occasion Captain French requested information from Captain Lang whether Juswunt Sing had been duly and formally installed at Ahmednuggur, and whether he was designated as Maharaj, for, says he, “on the 26th January last the Buttyanejee Rance presented His Highness with a son, and this boy is, of course, heir to the throne

* I take his letter to Captain Lang dated the 19th October 1813, announcing his election and adoption as Sovereign of Marwar

† Letter dated the 23rd October 1813

‡ Letter dated the 20th June 1814

§ I take the letter from Captain Lang dated the 31st October 1814

of Marwar, Juswunt Sing having been adopted by that of Ahmednuggur. But this boy has not been named, which excited my suspicion, as did other circumstances alluded to yesterday by Gumbur Sing, *the brother-in-law to His Highness, he having, in reply, said he was not aware of Juswunt Sing's adoption, or of his being Ruler of Ahmednuggur. Gumbur Sing is brother of the mother of Juswunt Sing, and also of the widow of Prithi Sing, who adopted him.* The mother of Juswunt Sing is at Jodhpore, and she and Gumbur Sing have much influence over His Highness. *It is, in fact, believed that they entertain hopes of Juswunt Sing succeeding to the throne of Marwar to the prejudice of the last born heir on the 26th January, and that, on one plea or another, they purpose sending for him soon.*" In reply to this communication, Captain Lang recapitulated all the objections he had made to the alleged adoption, and urged strongly on the consideration of Government, as the most proper course and best calculated to preserve the peace of both provinces, that Juswunt Sing should join his father as heir apparent at Jodhpore,* "as he would have the greatest reason to complain if one of Tukt Sing's younger sons were selected as heir to Marwar to his prejudice," and that Ahmednuggur should revert to Edur.

106. Colonel Sutherland, however, has observed† that it is a question whether Juswunt Sing could have proceeded with his father in October 1843 to Jodhpore for the purpose of being adopted into that house. His doubt, however, is founded on the boy's alleged adoption by Prithi Sing's widow in 1840, and on the supposed fact of Tukt Sing himself having been Regent only, and not Chief, of Ahmednuggur. Arguing on these false premises, the Governor General's Agent states — "Since Juswunt Sing did not accompany, but remained in Ahmednuggur

* It is scarcely necessary to observe that, if Juswunt Sing is allowed to retain Ahmednuggur as an adopted son, he can under no possible circumstances succeed to the throne of Marwar, since an adopted son forfeits all claim to succeed to the estate of his natural father.

† Letter dated the 2nd May 1846, in reply to a reference from the Government of India dated the 7th January 1845. In this communication Colonel Sutherland falls into four serious errors. 1st it is incorrectly stated that Juswunt was invited, not as heir apparent, but in order to be adopted by Maun Sing's widow; "I up to this time he

in virtue of his adoption, and remains there still, there is no doubt in the mind of any person in these parts with whom I have spoken on the subject that he is virtually Sovereign of Ahmednuggur through adoption by his uncle's widow and Regent in succession to his father. As, however, it has been proved that neither of the facts on which the argument is based is true, no further remark in refutation would appear called for."

107 But the justice and propriety of Juswunt Sing being recognized as heir apparent* to the throne of Marwar, and requiring him at once to join his father at Jodhpore, is strongly enforced by the fact that Tukt Sing himself has suggested this arrangement, coupling it, however, with the extraordinary proposition that one of his younger sons, born after his arrival at Jodhpore, should in exchange be given in adoption to Prithce Sing's widow, and in virtue of such adoption inherit the Chiefship of Ahmednuggur to the exclusion of Edur!!! This brings me to the fourth head into which I have divided this part of my Minute, or to enquire whether Tukt Sing can retain Ahmednuggur in his family by transferring it to a younger son

108 It is here necessary to premise that when Tukt Sing obtained the sovereignty of Marwar, Juswunt Sing, the infant so often alluded to, *was his only son* † Since his arrival at Jodhpore, however, two other sons have been born, one on the 26th January 1841, ‡ the other on the 22nd

* "The invitation observes Captain Lang "was given simultaneously to father and son, and in the event of Tukt Sing dying, his son's right to succeed to Jodhpore would be universally admitted as valid. Leaving him, therefore, in Ahmednuggur would in reality be tantamount to Tukt Sing retaining it himself as a dependency of the Jodhpore State and could not be allowed without the greatest injustice to the Edur Durbar, to whom the talooka originally belonged."

Letter dated the 8th November 1843 In another letter Captain Lang observes — "Besides, therefore, the strict justice of the Edur claim, as nothing has as yet been done to affect Juswunt Sing's right to succeed his father at Jodhpore, and as all parties interested in him will doubtless continue their efforts and intrigues to secure for him the succession, the welfare and prosperity both of Marwar and Guzerat will best be consulted by requiring him to be removed there as heir apparent, as formerly intended, and by re-annexing Ahmednuggur to Edur, to which it originally belonged."

† Letter dated the 20th April 1843

‡ This circumstance alone rendered his alleged adoption invalid, even were it in all other respects legal and unobjectionable

October 1845.* The second son is by the Bhuturasingjee Ranee; the third by the Ranawutjee Ranee, who is likewise the mother of Juswunt Sing. Tukt Sing now desires to give one of these sons in adoption to Prithee Sing's widow in exchange for Juswunt Sing, and thus be enabled to retain Ahmednuggur in his family.

109. It has been shown† that in his first khureeta, written shortly after his elevation to Jodhpore,‡ Tukt Sing claimed to retain Ahmednuggur on behalf of his son Juswunt Sing as the adopted son of Prithee Sing. He was compelled to this course by the force of circumstances, for at this time Juswunt Sing was his only son. He had no other alternative but to have relinquished the Chiefship to his hated rival, the Rajah of Edur. On the birth of his second son, however, the injustice done to Juswunt Sing, his first-born, became transparent,§ and the Maharajah and the party interested more particularly in the infant's welfare began to reflect on the best means of repairing that injustice. Accordingly, in his second khureeta,|| for the first time and

* His birth is alluded to in Major Thoresby's letter of the 21st May 1844; the date of birth is quoted on the authority of Captain French. The birth of the third son is reported in the last paragraph of Mr. Greathed's letter to the Government of India dated the 24th October 1845, accompaniment to Major Thoresby's letter of the 25th November 1845.

† Vide paragraph 55 of this Minute

‡ Vide Captain Ludlow's letter dated the 13th December 1843

§ Mr. Greathed observes (letter dated the 24th October 1845) —On Tukt Sing's departure the consequences of his son's adoption were felt, and he experienced the embarrassment of having given to another a claim on his own heir apparent; and His Highness assured me that, although the adoption was a family arrangement, it effectually debarred him from removing Juswunt Sing from the side of his adoptive mother without her formally agreeing to the cancelling the deed, the stipulation with which she promises her consent.

|| Dated the 6th October 1845, and forming Appendix A to Mr. Greathed's Report dated the 24th October 1845. The Maharajah is not consistent in this communication. In another part of the khureeta he contends for the right of Juswunt Sing to retain possession of Ahmednuggur —

"By the custom of Rajasthan the right and title to an original possession does not become invalid, and is not set aside by the acquisition of another heritage and dominion. My title being complete, I am at liberty to bestow Ahmednuggur on whomsoever I please who may stand in near relation to me, either on Maharaj Juswunt Sing, or on the Raneo of Maharaj Prithee Sing. Since the adopted son of Prithee Sing is my child, who can be said to stand in closer relation than he, Juswunt Sing, who is not only the adopted son of my late brother, but also the natural heir to Ahmednuggur? The possession, therefore, should revert to him, and not to the Edur Chief."

just two years after his transfer to Jodhpore, Tukt Sing proposed to substitute his second son for Juswunt Sing as Chief of Ahmednuggur. Tukt Sing, observed Mr Greathed when forwarding this Khureeta, now desires to continue the existence of his paternal house of Ahmednuggur by this process of adoption, substituting, with the widow's consent, a younger son in place of Juswunt Sing, whom he destines to be his heir at Jodhpore. The Maharaj himself conveys his request in the following terms — "It is my wish that the heir apparent, Juswunt Sing, should come to Jodhpore in conformity to the invitation and wishes of the *Ranee Raj log* (the widows of the late Maharajah Maun Sing), the Sirdar, the Potails, and others, and agreeably to the consent of my sister in law at Ahmednuggur, and my own inclination, in deference also to the respective rights of my sons, that the elder son should succeed to the higher degree, and the younger son to the lower degree and sovereignty. An especial argument, stronger than all others in favour of this arrangement, is, that it will be productive of content, cordiality, and concord." This request is accompanied by a letter* from Prithce Sing's widow acquiescing in the *proposed exchange of sons*. After referring to Juswunt Sing's adoption, this lady observes — "*Still you (that is Tukt Sing) remained lord and master* (thereby admitting that the adoption of Juswunt Sing was a nullity). Afterwards you succeeded to the Jodhpore throne, and at the same time Juswunt Sing was named heir apparent. But, out of regard to me, and considering me one of your family, you left Juswunt Sing here. Now, agreeably to my wishes and your own, and in conformity to the deed executed at Jodhpore (namely, the nomination of Juswunt Sing as heir apparent), summon Juswunt Sing to Jodhpore and give me your younger son in adoption, for this is your house, and I wish for your younger son. It is a family affair, and I consent to it."

110 This arrangement is approved of by Mr Greathed and opposed by Captain Lang. The former gentleman, after referring to a former despatch† explaining that no steps had been taken to com-

* *See* enclosure No 66 to the Khureeta. The letter is dated the 13th Sawun 1261 S. M. ut, 190 A. i. 19th August 1846, and purports to be numerously attested. The writer is sister of Juswunt Sing's mother and consequently his aunt.

† Dated the 14th August 1846.

promise the eldest son's title to the heir apparentship of Jodhpore, observes *—"As the giving in adoption of Juswunt Sing to the widow of Prithce Sing was the spontaneous act of Tukt Sing, and in no ways obligatory on him, I conceive that the alteration of the deed by the substitution of a younger son for the elder son is a measure which I may venture in all humility to recommend. An adoption of this kind will effectually secure the independent existence of Ahmednuggur as a State in the same position it occupied before the rule of Jodhpore devolved on Maharaj Tukt Sing." In his supplemental letter† to the above Report he adds—"If this be conceded to the Maharaj, but little objection can be urged to the settlement he has proposed, namely, that his elder son, Juswunt Sing, should join him at Jodhpore as heir apparent, and a younger son be given in his stead in adoption to the widow of Prithce Sing for the purpose of ruling over Ahmednuggur." The concession demanded is that Tukt Sing's mere accession to another throne should not have a more destructive effect on his house than the annihilation of himself and sons would have caused, in which case Mr Greathed assumes Ahmednuggur would not have lapsed to Edur, but that the house would have been preserved by adoption. This is, however, a fallacy, for there is no such rule or law under this Presidency, and Mr Greathed has either overlooked,‡ or is not aware of, the claims of collateral heirs being usually recognized, or, on the failure of heirs altogether, that tributary States, like Ahmednuggur, lapse to the *Suzerain* or Lord Paramount.

111 On the other hand, Captain Lang strongly opposes the arrangement with respect to the inherent right of Tukt Sing to retain Ahmednuggur. He states§ that this is negatived by the replies of the Durbars of Rajwarra, and is contrary to Hindoo Law. Although the four Durbars (Jodhpore as an interested party being excluded) disagree on all other points, they all concur in the necessity of a Chief of a Rajpoot State elected to the Chiefship of another State forfeiting all rights

* Letter dated the 21st October 1845

† Dated 6th May 1846

‡ On this point consult paragraphs of this Minute

§ Letter dated 20th April 1846

of sovereignty in the State first possessed, with the reservation made by Boondee alone, but not affecting the present dispute, that the two States must be separate, and that no condition has been made at the time of election to retain them both. This, therefore, being the custom of Rajasthan, Tukt Sing's own right being destroyed, he cannot convey that right to another, and much less to his younger son, who was not born at the time the right was lost. The injustice to the Edur Chief, already superseded in the succession to Marwar by a junior, is so glaring, that Captain Lang is driven to suppose that Mr Greathed could not have been aware of the fact that the son to whom it is now proposed to transfer Ahmednuggur was not in existence at the time of Tukt Sing's election. He further remarks "that the course recommended involves the virtual annexation of Ahmednuggur to Jodhpore, for, if Tukt Sing has a right now to substitute one son for another in this Chiefship, it follows that he would have an equal right hereafter, in the event of the death of his second son, to make it over to a third, or, in fact, to any other person he may choose to appoint, and either to allow it to remain as a separate talooka, or govern it as a Pargunnah of Jodhpore, as may be most agreeable to him." In his final Report* on the Ahmednuggur question Captain Lang thus still more forcibly expresses himself.

"But both Colonel Sutherland and Mr Greathed appear to go even further in their willingness to meet Maharaj Tukt Sing's wishes, and would not object to his sending his second son, born many months after he left the Mahee Kanta for Jodhpore, as Rajah of Ahmednuggur, an act which, in my humble judgment, would be looked upon throughout the length and breadth of this Presidency as one of the grossest injustice to Edur. In the Mahee Kanta it would be universally regarded as allowing the Maharajah of Jodhpore to do exactly what pleased him (to which, in fact, it would amount), and to trample upon Edur, after superseding it in the succession to Jodhpore, without the slightest

* Date 12th April 1817, paragraph 6.

† This is a slight but immaterial exaggeration. Tukt Sing left Ahmednuggur for Jodhpore on the 20th October 1813; his second son was born on the 26th January 1814.

control on the part of the British Government, and nothing could, in my humble judgment, more clearly show the wisdom of allowing this case to be settled by the Bombay Government agreeably to the policy which has hitherto been pursued towards the petty States under its superintendence, which is evidently so widely different from that adopted among the larger independent States of Rypootana, a course which, if I rightly remember, Colonel Sutherland himself considered at the time of the Jodhpore succession as likely to be the one taken for disposing of the Ahmednuggur question "

112 Colonel Sutherland has expressed* a doubt whether Tukt Sing can summon his eldest son to Jodhpore as heir apparent, and also whether a younger son could be adopted into the Ahmednuggur house whilst the eldest and adopted son is alive. But he not very consistently adds, that he should see but little objection to the arrangement if it were agreeable to those interested in the matter at Jodhpore and Ahmednuggur, and of this Edur would have no right to complain, since the succession has already passed away from that house, thus, in fact, denying that Edur has any interest in the matter at issue, and assuming for granted the point disputed.

113 I entirely concur in Captain Lang's view of this part of the question. The proposed arrangement is unsupported by either law, custom, or precedent. Who ever heard of one son being given in exchange for another son in adoption five† years after the date of the original adoption? Fertile as the annals of Rajasthan are in precedents, none can be cited in favour of this novel arrangement. There is a passage in Tukt Sing's khureeta proposing the arrangement very adverse to its adoption. In allusion to the precedent of the Pole family, quoted by Captain Lang in support of the claim of Edur to succeed to Ahmednuggur, the Maharajah justly remarks—"*That only can be considered a prece lent in precept which is universally adopted to put a stop to strife and disputes*" Further, it may be asked, who ever before heard that a widow who has given birth to a posthumous son possesses the right

* Letter to the Government of India dated the 16th May 1846

† I here assume as true the statement of Tukt Sing and his party that Jiswant Sing was adopted by the widow of Prithoe Sing in 1841

to adopt a son at all? And, *a fortiori*, it may be asked, how can it be maintained that a widow who is alleged to have adopted a son in 1840 is at liberty five years afterwards to discard that son at pleasure, and accept in exchange an infant who was not in existence at the time of the original adoption? By what means can any of the requirements of the law of adoption be in such a case fulfilled? Colonel Sutherland has himself observed* that, according to the Hindoo law, adoption could only take place during the life-time of the person to be succeeded, but in practice a rule has been established that the right of adoption may be exercised by the widow† in conformity with the death-bed injunctions of the husband, which, of course, she has never any difficulty of declaring she has received. This seems fatal to the proposed arrangement, for with what propriety can the widow now disregard what we must assume to have been her husband's death-bed injunctions by discarding the object of his choice, Juswunt Sing, and accepting another son in exchange? For the ordinary rules under which adoptions are sometimes allowed on this side of India, I would refer to paragraphs 84 and 91 of this Minute, and to the evidence which Tukt Sing has himself produced in regard to the forms and sanctions under which they are permitted. Tukt Sing's proposal appears to me to be altogether inadmissible, for admitting, for the sake of argument, that a doubt may be raised whether the connection of the son born before his transfer to Jodhpore was by that event severed from Ahmednuggur, none whatever can exist that such must be the consequence in regard to all sons born *after* his adoption into the Jodhpore family. The latter, in short, can possess no claim to inherit what their father had forfeited before they were born.

* Letter dated the 2nd December 1843

† I have not entered on the question of the right of a widow to adopt or not on this subject. I find the following remarks in Vol I, p. 100 of *Macnaughten's Principles and Precedents of Hindu Law*—'It is an universal rule in Bengal and Benares that a woman can neither adopt a son nor give away her son in adoption without the sanction of her husband previously obtained; but it does not appear that the prohibition in Mithila, which prevails against her receiving a son in adoption according to the *Dattila* form, even with the previous sanction of her husband, he being dead, extends to her receiving a boy according to the *Critana* form and the son so adopted will perform her obsequies and succeed to her peculiar property, though not to that of her deceased husband.—*Enclosures Nos 3 and 4 of his Majesty's letter dated 6th October 1845 Appendix A to Mr Creathed's letter dated the 25th October 1845*

114 The fifth and last mode by which it has been suggested that Ahmednuggur may be retained in Tukt Sing's family is by the Sirdars and others having a right to choose a Ruler for themselves electing a successor in conformity with the practice which prevails in Rajasthan. I merely allude to this, because Colonel Sutherland seems disposed to recommend its adoption in the present case misled, as I conceive, by the favourable* opinion he entertains of the system of election as exercised in Rajasthan. Excellent, however, as this may appear in theory, it is not quite so perfect in practice, judging from the example set before us of the younger superseding the elder branch of the family, and thus in defiance of the acknowledged customs and usages of Rajasthan.

115 The first allusion to the subject will be found in Colonel Sutherland's letter of the 29th October 1843 in which he observes — "We find amongst Rajpoots so many precedents regarding adoptions, elections, and successions, and there being no law, national or international, on such matters (with which I am acquainted), that I shall not be surprised to find among them precedents through which Maharaj Tukt Sing can hold Ahmednuggur whilst ruling over Marwar, or through which one of his sons can succeed to the inferior Chiefship, or through which *those having the right of election at Ahmednuggur may name a member of the family of Tukt Sing after its separation from the Elur house as their Ruler*" and in his letter of the 2nd December 1843 he states that if the question regarding the disposal of Ahmed

* In his final Report on the Ahmednuggur question dated the 10th June 1846 he remarks — "The mode in which they' (the Chiefs) carried through the election in the peaceable manner in which the Maharajah ascended the throne and the harmonious manner in which the administration has been conducted afford a fine specimen of the advantage of allowing the Chiefs of a feudal sovereignty of the first magnitude to carry out affairs of the first importance and on the right adjustment of which they are at least as much interested as the British Government. In the same letter he rejoices that the Bombay system in respect to succession does not prevail in Rajpootana, for otherwise we should have lost the finest example there has perhaps ever been in India of a peaceable election and succession to the throne of a powerful monarchy. In his enthusiasm Colonel Sutherland overlooks the grievous wrong which was inflicted on one party and that Tukt Sing's success is chiefly to be attributed to his rival, being a minor under the guardianship of the British Government supinely relying that his interests would be protected and therefore inactive while the other candidate was securing his election with energetic vigour."

nuggur had occurred in Rajpootana, he would leave it to the Chief and people of Ahmednuggur to decide the question, subject to the confirmation* of the paramount power, whether they owe allegiance to Marwar, Ldur, or the British Government, and in his final Report† Colonel Sutherland observes —“Had there been no adoption at Ahmednuggur, the same form of election might have been resorted to with great advantage, for, although the Chiefs and Officers of that petty State are immeasurably inferior in rank and station to those of Marwar, there is a brotherhood, who would doubtless (if left to themselves, or only aided when aid is required from our Local Officers,) have carried through their election satisfactorily ”

116 To these observations it will be sufficient to state that the system of election to vacant Chiefships is entirely unknown in Guzerat, or in any part of this Presidency. I may add that, supposing even it were deemed advisable to introduce it, we could not, notwithstanding Colonel Sutherland's opinion to the contrary, apply it in the present case, for the requisite feudality does not exist. This is pointed out by Captain Lang, who remarks ‡—This system is not even known in the Ldur State itself, although it has its principal Pattawuts and inferior Chiefs on the model of Marwar and the other larger States of Rajpootana, therefore Ahmednuggur an appanage of a younger son without Pattawuts, and not possessing, therefore, the requisite machinery of election, cannot assert the right of election.

117 For this reason I do not consider it necessary to notice in detail three out of the five questions submitted by the Government of India to the five principal Durbars of Rajasthan alluded to in the 78th paragraph of my Minute. These are entirely based on the system of election, and, consequently, inapplicable to a disputed succession in Guzerat, where no such system prevails. Here, again, I concur in Captain Lang's remarks, who observes §—“The other replies are not satisfac-

* By parity of reasoning therefore Tuktsing's election was and ought to have been, subject to the confirmation of the paramount power.

† Dated the 10th June 1846.

‡ Letter dated the 5th November 1843.

§ Letter dated the 26th June 1846. It is worthy of remark that in these questions no distinction is made between as born before and after an election though it must be manifest that a very material one may exist. For instance we may suppose that a

tory, but were they otherwise, they would be of no use in assisting Government to decide in a disputed succession to any of the petty States in Guzerat or Kattywar, where the system of succession partly by adoption and partly by election, which seems to prevail in Rajpootana, is entirely unknown. This system may well answer in Rajpootana, where a competent body of electors may be found, but not at Edur, and still less so at Ahmednuggur, where no such elections exist "

118 Having now, I conceive, shown that the Ahmednuggur Chiefship cannot be retained by Tukt Sing, or in his family, by either of the five modes proposed, that is, either in his own right, or in that of his eldest son, or in virtue of the alleged adoption of that eldest son, or by transfer to a younger son, or, lastly, by election, it now only remains for me to state my opinion to whom the estate devolves, and those who have followed me thus far will probably anticipate that my opinion entirely coincides with that already recorded* by the Bombay Government of 1843 in favour of Jowan Sing, the present Chief of Edur, to whom, I conceive, Ahmednuggur and its dependencies now of right belong, either as a lapse to the parent State, or as an inheritance to the next of kin.

119 It has been seen that the Rance of Edur despatched a Mission to Jodhpore to advocate her son's claims to succeed Maun Sing, but that it arrived too late† to be of any service. Immediately after Tukt Sing's election, the Rance despatched another Mission to Bombay,‡ with the twofold object of appealing against the injustice her son had suffered

son born prior to his father's election and adoption into another family may retain a claim on the family estate and property, although the son born after the event may have no right to do so

* "For the reasons (observed this Government in its letter to the Government of India dated the 30th October 1843) "stated by Captain Lang and upon general grounds of policy and in equity towards Edur the elder branch of the family, Ahmednuggur and its dependencies should revert to Edur now that Tukt Sing and his son have been elected Sovereign and heir apparent of Marwar, and on Tukt Sing's being recognized as Maun Sing's successor he should be required to renounce for himself and family all claim to that principality

† It returned to Edur on the 10th November 1843 vide Captain Lang's letter dated 20th November 1843

‡ Vide Captain Lang's letter dated the 6th November 1843 and the reply of Government dated the 15th November, instructing that Officer to discourage as useless the sending of this Mission

in being superseded in the Marwar succession by a junior branch of the family, and of prosecuting her son's claim to the reversion of Ahmednuggur. This Mission arrived towards the end of 1844,* and notwithstanding repeated advice to return to Edur, it has remained here ever since, urging the Rajah of Edur's claims and soliciting justice.

120 On the receipt of intelligence at Edur of Tukt Sing's election, the Political Agent reported† that "his adoption into the Jodhpore family had led to a claim on the part of the Edur Darbar to have the Talooka of Ahmednuggur restored as an appinage granted to a younger son by the great grandfather both of the present Edur Chief and of Tukt Sing." The Ranee of Edur and her son have since addressed repeated letters to the Bombay Government urging this claim. In May 1844, after reiterating in strong terms‡ her son's right to the Jodhpore Throne, and contending against the right of Maun Sing's widows to elect Tukt Sing, the Ranee states—"Ahmednuggur was assigned by the Edur State in A.D. 1773-74, and is therefore a Sewasthan of the junior branch of our family. Ahmednuggur, Mourassa, and Byer were granted by Edur. Tukt Sing, a descendant of Sugram Sing, to whom Ahmednuggur was granted, having now gone to Jodhpore, his sons and relations ought to go and live with him. Ahmednuggur was first granted to Sugram Sing for his support, was successively held by his son, Kurn Sing, and grandson, Prithwe Raj. The family having thus become extinct, Ahmednuggur should be restored to the Edur State."

In January 1845 the Chief of Edur addressed§ this Government in somewhat similar terms, and in December of that year he reiterated his claim to Jodhpore, and also to Ahmednuggur, Mourassa, and Byer,

* Its arrival was reported to the Government of India on the 1st January 1845.

† Letter from Captain Lang dated the 3rd November 1843.

‡ Letter dated the 19th May, forwarded to the Governor General of India on the 5th and to the Honble Court of Directors on the 24th August 1844 at the request of the Ranee of Edur.

§ The appeal was forwarded to and acknowledged by the Governor General on the 11th March 1845. That of December 1844 was forwarded to the Government of India on the 16th January 1845.

remonstrating against the injustice he has suffered. Although still feeling keenly the injustice of his supersession, I believe his expectations are now limited to the recovery of Ahmednuggur and its dependencies *

121. The Government of India has resolved that the first decision in regard to the disposal of Ahmednuggur shall proceed from this Government, since that estate is subject to this Presidency the local Political Agent must be able to state with accuracy the real nature of the succession to the Chiefship which occurred on the demise of the late Chief in 1841 † This last remark refers to the deception, already exposed, which Tukt Sing practised on the Political Authorities in Mirwar in persuading ‡ them that he was merely Regent, and not *de facto*, as well as *de jure*, Chief, of Ahmednuggur when he was adopted by the Rances and Sardars of Jodhpore This point of the question has already been fully discussed and disposed of in paragraphs 72 to 75 of this Minute

122. As a preliminary to entering upon this question, I shall first notice a fact to which, I conceive, much importance § is due, namely, that until the question of the Jodhpore succession was settled by Tukt Sing's adoption, both of the candidates appear to have expected that whoever obtained the sovereignty of Marwar would, as a matter of right, be obliged to resign his possessions in Guzerat to his less fortunate rival How, then, can Tukt Sing now complain if Government act towards the head of the family in the same manner as he, though a junior branch of the family, expected to have been treated had the Idur Chief succeeded, instead of himself, at the very commencement of this dispute, and before Tukt Sing's election had taken place? Captain Lang suggested || the propriety of Tukt Sing, in the event of his election, being required to relinquish

* Vide Captain Lang's letter dated the 20th November 1843 In reply to his last appeal the Chief of Idur was informed that the Jodhpore question was irrevocably settled

† Letter from the Government of India dated 7th March 1844

‡ Vide Major Thornsbury's letter dated the 21st May 1844, with enclosures

§ The late Mr Boyd President at Baroda, considered that great weight was due to Tukt Sing's expectation of the reversion of Idur had the Idur Chief been elected Vide his letter to Government dated the 24th October 1843

|| Vide his letters dated the 6th October and 3rd and 5th November 1843

Ahmednuggur, observing with great impartiality, that, should the election fall on Edur, he concluded Edur would revert to Ahmednuggur. There cannot, however, be the slightest doubt that when the event was uncertain, Tukt Sing actually preferred* a claim to the reversion of Edur; and it is equally certain from the facts adduced by the Political Agent that the Edur Durbar would have been constrained to admit the claim. On this subject Captain Lang observes that, had the Chief of Edur been elected, the Ranee would have had a stronger claim than that now urged† by the opposite party to have adopted a son from the Soor branch of the family. Not only, however, did Tukt Sing expect to succeed, but the Edur Durbar thought his right valid. In 1839, moreover, when Jowan Sing, the Chief of Edur, was dangerously ill of small-pox, the Ranee, with the aid of her brother, removed some valuable property to their own village, because they were aware that, had the Chief's illness proved fatal, Edur must, as a matter of course, have reverted‡ to Ahmednuggur. On this subject the Political Agent further remarks (letter dated the 20th June 1845) :—" Had the Chief of Edur been elected, he might, as nearest of kin, have had a plausible pretext for retaining Edur as a dependency of Marwar. Tukt Sing's expectation, however, constitutes a strong argument in favour of Ahmednuggur reverting to Edur as being "an appanage originally assigned by Edur to a younger brother: it cannot with any show of reason be transferred to Jodhpore." The Ranee of Edur, when her son was ill, did not expect to retain Edur by adopting a son "to the exclusion of Ahmednuggur, which would have succeeded to Edur as a matter of course. This would not have been permitted"§

* I enclose Captain Lang's letter to Colonel Sutherland dated the 20th October 1843, informing him that during the early part of the Jodhpore discussion he had received a message from Tukt Sing through his Agents, then at Sidra, asserting his claim to Edur in the event of Jowan Sing succeeding to the throne of Marwar.

† Or that Prithoo Sing's widow should be permitted to adopt a son, having lost her husband for years and her own son nearly two."

‡ If, therefore, Captain Lang remarks, Edur, the parent State, would not have been allowed to adopt or elect another Chief, and the parties most interested entertained no expectation that this would be allowed, it follows that an adoption by a junior branch of the family could not be allowed without great injustice to Edur.

§ In illustration of the unreasonableness of the expectations of Tukt Sing's party, he gives the case of the Ranee and her son dying, and the widows of Gamber Sing, two of whom are living, advancing a claim to adopt. This has already been quoted in the note to paragraph 102 of this Minute.

In reference to this expectation, and the inference of necessity to be deduced from it, I regret to remark that Tukt Sing has written evasively. In the note submitted by the Jodhpore Vakeel to Mr Greatheed it is written *—

“On neither of these subjects, that is, neither on his own elevation to the Ahmednuggur Throne, nor on his claim to Edur, did the Maharajah ever address Captain Lang, nor did he direct any one else (to do so) so why does this gentleman write on subjects which are still wrapped up in the Maharajah’s breast? In his heart, perhaps, the Maharajah aspires to universal empire, but how could such an aspiration find its way into an official document?” Colonel Sutherland has offered no remark on the inference to be deduced from the expectation mutually entertained by both parties, but merely refers† to Tukt Sing’s reply. Mr Greatheed in the first instance did not consider the subject to be of sufficient importance to communicate,‡ as it appeared to him “to touch the consistency of Tukt Sing’s conduct, and not the merits of the case,” and he did not mention the admission by Edur of the right of reversion, because it had not been, and never could be, submitted to the test of experience. There can, however, I conceive, be no doubt that, Tukt Sing did really entertain the expectation imputed to him, and that, had matters in regard to the sovereignty of Marwar been reversed, Edur, on the facts stated by Captain Lang, must have acquiesced. I therefore think that Tukt Sing, when the point at issue was undecided, afforded very strong inferential proof of the justice of the claim now preferred by Edur to the reversion of Ahmednuggur.

123 The Hon’ble Court of Directors have directed§ that “the opinions and usages of Guzerat are to constitute the standard of judgment”

* Date 1st May 1816, and forming an accompaniment to Mr Greatheed’s Report dated the 6th May 1816

† Vide letter to the Government of India dated the 16th May 1816

‡ Vide Mr Greatheed’s letter dated the 21th October 1814. In this he observes without affirming that Tukt Sing expected and hoped to obtain Edur in case of his missing Jodhpore. He owns with reference to the well known passion of the Maharajah for territorial aggrandizement, that the consolation that would have been derived by the unsuccessful competitor in obtaining his more fortunate rival’s patrimony induces him to think it very likely that the Edur Ch. if been elected to Jodhpore he should now have been urging a claim to save Edur from the clutches of the ruler of Ahmednuggur.

§ Vide paragraph 4 of the Minute

in determining this case Tukt Sing, however, desires that the customs and usages of Rajasthan should be appealed to, and apparently Mr. Greathed prefers this to the standard prescribed by the Hon'ble Court. Tukt Sing contends that the Rhatore States established in Guzerat by Anund Sing and his descendants have adhered to the customs and usages of their native country despite their separation from its soil, and cites an instance in which they were appealed to both by Edur and Ahmednuggur. A remark contained in one of Captain Lang's letters is also cited in support of this fact. Hence Mr. Greathed concludes "an appeal to the opinions and usages of Guzerat is equivalent to an appeal to what obtains in Jodhpore, and, consequently, to Rajasthan."* Captain Lang dissents† from this opinion, and points out in what respects as regards successions the customs and usages of the two provinces are essentially different.

124. It may certainly be conceded to Mr. Greathed‡ that the customs and usages of the two provinces are in many points identical. On the other hand, it is equally certain that on other points they vary. The custom of election and adoption to vacant Chiefships, for instance, prevails in Rajasthan, but no trace of it exists in Guzerat. The question at issue arises out of this custom, and I conceive, therefore, that, even supposing that Tukt Sing could found a claim thereon to retain Ahmednuggur, it is not available for his purpose, but that the rule prescribed by the Hon'ble Court, that the opinions and customs of the province in which Ahmednuggur is situated, is alone conformable to equity and justice.

* Letter dated 24th October 1843

† Letter dated the 20th April 1846

‡ This gentleman is, of course, correct in assuming that by the term "usages of Guzerat" used in this correspondence is meant 'the usages of Rajpoots in Guzerat.' With reference to this remark Captain Lang in his letter to the Resident at Baroda, dated the 8th November 1843, observes—"It is entirely on the ground that Tukt Sing is acting contrary to any Rajpoot usage which we can recognize and sanction in justice to the Edur State that I so strongly advocate the reversion of Ahmednuggur to Edur," and in his letter of the 10th November 1843 he adds—"If unimpartial decision could be obtained from the Rajpoot community of India on the subject, taken in connection with the suppression of the elder branch of the family in the Jodhpore succession, there cannot be a doubt it would be in favour of Edur."

125 A few remarks are, therefore, now necessary in explanation of the principles on which successions to Chiefships under this Presidency are usually regulated. Whenever, then, as frequently happens, these are contested, they are invariably settled by the direct intervention of Government on a careful examination of the pretensions of the different candidates, and in cases like the present, the party who on enquiry is proved to be the legitimate heir is recognized as such and put in possession, in other words, the rights of inheritance are held sacred. The elective system is unknown, and adoptions* are never allowed to the prejudice of near relations. On this system Colonel Sutherland has observed —“It would be dangerous to discuss or settle such questions according to the Hindoo Law, and if Rajpoot States in regard to succession are regulated by the law of inheritance, they must, through the division of property, very soon cease to be substantive States”† The Governor General's Agent, however, here misapprehends the matter. The right of succession to Chiefships, and the exercise of the rights appertaining thereto, devolve exclusively‡ on the eldest son, brother, nephew, or next of kin to the Chief deceased, the younger sons are only entitled to a reasonable and suitable maintenance. Each in Guzerat has a peculiar designation. The Chief, or head of the family, is called Pathis, Sovereign, or Prince, the subordinate member, *Phunthya*. The strict principle of the Hindoo Law which disregards the rights of primogeniture and prescribes an equal division of property among all the sons is not applicable to States§ or Chiefships and thus the effect apprehended by Colonel

* I may here quote in illustration of the principle the celebrated case of Radha Bai the widow of the late Futeesh Sing Gackwar who was permitted to adopt with a reservation that the adoption would give no claim to the Dowlat or State to the prejudice of the brother of the deceased the present Gackwar.

† Letter to the Government of India dated the 10th June 1815.

‡ The only exception to the general rule met with in this part of India is found among the remarkable tribe of Kattis in the Peninsula of Guzerat, among whom it is usual on the occasion of every lapse to divide the estate share and share alike among all the sons.

§ According to the opinion of a Bengal Pandit the system pursued here is in conformity with Hindoo practice. He states — As to the divisibility of a jagheer it is stated in the *Manu Smriti* (the law book) “that the crown was entailed on the eldest son, the rest of the family were to be kept in subordination to him, and he was to be the conqueror for them.” The law that the eldest son should be the conqueror for them is the law that the eldest son should be the conqueror for them.

Sutherland is avoided. I imagine that the Bombay Government alluded to this deviation from the ordinary rule of the law when it observed that "it did not regard the present to be altogether a legal question, in which case an equal division among all the sons would be necessary."

126. In his letter of the 18th December 1843 Captain Lang explains how disputed successions are settled on this side of India, namely, by Government, on their merits, and not, as in Marwar, by election and adoption, and as an additional reason for not departing from the ordinary rule in the present case, he justly remarks that His Highness the Gachwar's rights are involved, the Mahee Kanta being tributary to his Government. In his subsequent letter of the 20th June 1845 he illustrates the system by citing the two recent cases of succession to Joonaghur and Limree, the one a Mahomedan, the other a Rajpoot State. In the latter instance the *Bhyad*, or frange, desired to set aside a posthumous son in favour of a collateral branch of the family. This was, however, disallowed by Government, and a Regency was, under its authority, appointed to manage the estate during the infant's minority. He likewise cites the cases of Mourassa and Byer, already alluded to in this Minute (*vide* paragraphs 11 to 16), in both of which Government interfere authoritatively,* and in the last of which

their prudence this course was preferred, it being thought that, if it were given to all, strife would ensue. Therefore, and as prudence often prevails against law, a kingdom is not divisible. It is so settled in many countries. On this Mr Ellis comments—"What the law calls *Raj-yas*, the enjoyment of sovereign power, paramount or subordinate, cannot be divided, for divisions would destroy it, and it is a maxim that nothing shall be divided which would be destroyed by the act. But the effects and private estate of a sovereign Prince may, and ought to, be divided like the property of others among his children," and Mr Thackeray, late Member of Council at Madras, observes—"The succession of Zemindars has never been regulated by the common Hindoo Law of inheritance, but by the usage of the country or the pleasure of the Government. Had they been divisible, we should not have found so many of ancient date still existing as we do." These extracts obtained from Sir Thomas Strange's *Elements of Hindu Law*, Vol. II, p. 263, tend to prove that the Bombay system prevails generally throughout India.

I have before observed that the Mourassa case is much relied on by Takt Sing's party and by Mr Grentham on his behalf. I beg to refer to the account I have elsewhere given (paragraphs 11 to 16 of this Minute) of this case, showing that it occurred before we obtained the management of the Mahee Kanta, and that, in confirming it when the peace of the country was threatened, we followed our usual policy of ratifying the decision of the Government which preceded us without entering into the merits of the case on abstract principles of justice.

he himself advocated on the merits of the case the side of Ahmednuggur against Edur. "The former, therefore, cannot complain if the present dispute is decided on the same principles. Edur, on the other hand, would have great cause to complain if, after we had deprived it of Mourassa and a considerable share of Byer, which they had acquired when we had no share in the management of the Mahee Kanta, we refuse to investigate and decide their claim to Ahmednuggur on the same abstract principle of justice when our authority is paramount throughout the province, and we have issued a proclamation that resort to violence for real or pretended grievances will be regarded as a most serious offence." Finally, in his letter of the 25th April 1846 he remarks, "that a greater degree of interference is necessary in regard to the smaller Chiefships of Guzerat and Kattywar than is usual with the larger and more independent States of Rajpootana,* and contends that, had the same system prevailed in both, Jowan Sing, the Chief of Edur, would now have been Sovereign of Marwar. All disputes between Edur and Ahmednuggur have hitherto been adjusted on the same principles as those of other Chiefs of Guzerat, and it would be unjust to Edur now to depart from those principles, and the more especially since, under the authority exercised by this Government in such matters, Edur has generally suffered in its differences with Ahmednuggur and the other subordinate branches of the family.

127 In refutation of the claim of Edur to the reversion of Ahmednuggur, Tukt Sing contends that, practically, it has been altogether independent of Edur, and in support of this he produces a document purporting to be the original Sunnud under which Ahmednuggur

* Whilst preparing this Memoir a document has passed under my observation in which even Colonel Sutherland admits that the system in force here of respecting the rights of inheritance is preferable to that in force in Rajasthan of allowing the widow to adopt a son from among the nearest of kin of her late husband. In his letter to the Government of India dated the 23rd September 1846, with reference to a disputed succession to the petty State of Doonpurpore he observes — "There is doubtless, much inconvenience in this system (for adoption by widows) and it were better if the nearest of kin were adopted; but among Rajpoots generally it appears to be considered due to widows to allow them to adopt a child, and only of them can be adopted. There is another instance in that Tukt Sing, a young man of 21 years of age, was inclined for adoption by the widow of Maharaj Maun Sing."

was conferred on his grandfather, Sugram Sing. This, observes* Mr Greathed, is quite unconditional of subservience to the parent State. "Admitting, however, that it was not intended to confer perfect independence, the fact of indisputable possession for seventeen years during the grantee Sheo Sing's life, the early death of Bhowan Sing, the minority of Gumbur Sing, his successor, must have facilitated the assumption and maintenance by Sugram Sing and his successors of uncontrolled supremacy in the Ahmednuggur State, and the Mourasra case may be cited as proof of independence." In his final Report† this gentleman adds — "A full consideration of the constitution of these Guzerat Rhatore States and of precedents which may be cited from these annals leads me to the conclusion that Edur has no reversionary claims on Ahmednuggur."

128 The fact of the political independence of Ahmednuggur may, I conceive, be admitted without in any way invalidating the claim of Edur now to succeed to that estate either as a lapse or as an inheritance, for Ahmednuggur must now be regarded in the position supposed by Colonel Sutherland, "*of a house without an heir,*" if, as appears to me, the effect of Tukt Sing's election and adoption is the same as if he and his sons had all been swept off by the hand of death, and without the possibility, according to any recognized principle of law or usage, of his line being continued by adoption. If this is admitted, an estate so circumstanced must, according to Rajpoot usage, revert to the parent State. But granting, for the sake of argument, that this can be controverted, the Edur Chief can fall back on his rights of inheritance, since, on reference to the Genealogical Tables annexed to this Minute, we find that after the removal of Tukt Sing and his sons *he is nearest of kin*

129 It is unnecessary, therefore, to enquire whether the Sunnud produced by Tukt Sing is really the original deed under which his grandfather obtained Ahmednuggur. Had the point at issue been in any way dependent on this document, I could not pass it by without

* Letter dated 17th October 1841 and 1st Feb. 1842, as above.

† Dated 10th May 1842.

challenge* and requiring good and sufficient evidence of its being genuine. It seems to me to be highly improbable that a Rajpoot Prince would have sown the seeds of discord in his family by dividing, as Sheo Sing is alleged to have done, his estate into two separate and independent sovereignties after the deceptions which have been established against Tukt Sing in the matter of his son's adoption and in regard to his own position at Ahmednuggur at the period of his transfer to Jodhpore. It would not, I think, be considered unreasonable to demand the most satisfactory proof of its genuineness before we attach credit to a document so entirely opposed to Rajpoot usage and feeling. Colonel Sutherland admits in his letter dated the 10th June 1846 that the independent settlement of his second son by Sheo Sing is unusual. "There is nothing" (he observes) "peculiar in the circumstances under which Ahmednuggur was separated from Edur by being assigned as a provision to a younger son, although such a provision *in the present day, or for many generations past*, would be unusual in any of the principal sovereign houses of Rajpootana.

130 On one occasion Colonel Sutherland threw out a hint of the possibility of Ahmednuggur reverting to Jodhpore instead of Edur † "As Tukt Sing has" (he observes) "*relinquished his Ahmednuggur Chiefship for the sovereignty of Marwar*, what is to become of this possession? I understand Ahmednuggur is a branch of the Edur House, from which it was separated less than a century ago,—I conclude the portion of a younger son,—Edur itself was separated from Marwar some generations

* The Mission now in Bombay from Edur will not admit the deed, and desire to produce a number of ancient documents to establish the mode in which such grants used to be made to younger sons namely, as a maintenance. In his letter of the 26th April 1845 Captain Lang remarks on the improbability of a Chief establishing a younger son in a separate sovereignty in his own possession. He adds that he is informed that Sugram Sing, to whom Ahmednuggur was assigned, resided at Edur until his father's death, and received Ahmednuggur and the few villages then dependent on it as a maintenance. The disputes which ensued between the minor Chief of Edur and his uncles obliged the latter to retire to Ahmednuggur which doubtless led the Gackwar Authorities to recognize Ahmednuggur as a separate tributary State and it has ever since been so regarded by the British Government. Its tribute was fixed by Colonel Dalatino in 1812, and this is proof of the political independence of Edur having been recognized, and which I never intended to deny.

† Letter dated the 2nd October 1845.

ago, becoming also, I conclude, the portion of a younger son of Marwar. Supposing, then, Maharaj Tukt Sing has not a second or third son to take his place at Ahmednuggur, will that Chiefship revert to Edur, from which it was last separated, or to Marwar,* the common parent? Colonel Sutherland does not offer a decided opinion on this question but quotes a case which has lately occurred in the Serohi Principality, which seems to favour a reversion to Jodhpore. Many generations ago Nimaj was assigned as a provision for a younger son. In process of time Nimaj made a provision for a younger son, whose descendant died a few years since without heirs. Both Serohi and Nimaj claimed the reversion, and after due enquiry a decision was passed in favour of Nimaj, it being ruled that, although Serohi on failure of heirs might claim the reversion to Nimaj in her own feudal Chiefship, she could not justly claim what had been granted by Nimaj whilst heirs of that house were in existence.

131. The above decision appears perfectly just. The precedent, however, seems to me to be in favour and not against the present claim of Edur to the reversion of Ahmednuggur, since the historical sketch I have given at the commencement of my Minute of the origin of the Edur family proves that Colonel Sutherland is in error in supposing that Edur ever formed a part of the Jodhpore sovereignty and became separated from it as a provision assigned to a younger son, except as being of the same clan and springing from the same parentage. The founders of Jodhpore and Edur had scarcely any connection with each other, but, at all events, they never stood in the feudal relation to one another of lord and vassal. Both States were founded by conquest of the Bhoomia or original Rajpoot possessors of the soil. On this point

* On this subject see paragraph 8 of this Minute.

† Tukt Sing does not assert this. In his first khureeta accompanying Major Doreilly's letter dated the 13th December 1844, when recounting the mode in which Edur was claimed by the present family, he says —

The then Rao of Edur was possessed only of ordinary capacity. When the Sarkah of Guzerat was conferred by the Padshah on Maharajah Abul Sing, orders were issued for him to take the said places; upon this the whole of the Zemindars and others represented to the two Maharajahs (Anund Sing and Ram Sing) that the Sarkah of Guzerat having been conferred on Abul Sing, and they being his own brothers, they should take possession of the places in question, they did so.

Captain Lang has remarked *—"With the exception of the few years Abeli Sing nominally held Edur, as well as Jodhpore, when conferred on him with the Soobahdarce of Ahmedabad by the Emperor of Delhi, he cannot ascertain that any connection ever existed between them. During the last 115 years, the period which the present dynasty has held Edur, only one instance can be cited of Edur having applied for and obtained the aid of troops from Jodhpore, and this occurred during the early struggles of the family with the Bhoomia Rajpoots of the Mahee Kanta, who for many years contested with them the possession of Edur."

132 On the other hand, it has been clearly shown that Ahmednuggur for a long period formed part of the Edur Principality, that, in fact, it is an offshoot from Edur, by which State it was assigned as a provision for a younger son. Although for some years past it has enjoyed political independence of Edur, a very intimate connection has always existed between the two States, and Ahmednuggur has always been regarded, and has admitted itself to be, a subordinate branch of Edur. It is asserted by Captain Lang, and admitted† by Tukht Sing himself, that during the reigns of Gumbur Sing of Edur and Kurn Sing of Ahmednuggur, the former of whom died only eleven, and the latter nine, years ago, Kurn Sing invariably attended with his followers when required by the Edur Chief to accompany him in any of his more important military expeditions, a service which expressly marks the feudal subordination of Ahmednuggur to Edur. No respectable Rajpoot Chief of Marwar will deny the fact of such subordination. It follows, therefore, I think, as a matter of course, that if it is admitted that Ahmednuggur is now a house without an heir on the precedent of Nimaj quoted by Colonel Sutherland, Ahmednuggur ought now

* Letter dated the 20th June 1815

† Vide Mr. Greathed's letter dated the 21st October 1815. This gentleman however states that "Tukht Sing verbally assured him that this aid was only afforded when the Chiefs were on good terms, and did not affect the equality of the two States." The fact of military service being rendered by Ahmednuggur to Edur being admitted is sufficient; but as has been observed by Captain Lang in his letter dated the 24th April 1815, the facts brought to light in regard to the alleged adoption of Tukht Sing's son destroy the credit which might otherwise be due to the mere assertion of Tukht Sing and his advisers when their own interests are involved.

to revert to Edur, the parent State, and not to Jodhpore, for although, as is justly remarked* by Captain Lang, "when might so frequently constituted right, as it has done in these Rajpoot States, precedents may be found for most things, yet in theory the rule will be generally admitted throughout Rajwarra *that an estate, or appanage of an estate, lapsing for want of heirs reverts to the principality or estate by which it was last bestowed,*" and the few cases which have occurred within his knowledge in Guzerat and Kattywar have, like the Nimaj case, been settled on this principle, the decision invariably depending on "whether the property had been assigned direct from the principal State, or been derived from a former appanage or putta of that estate"

133 The precedents† I have cited from *Colonel Tod's Annals of Rajasthan* likewise support the present claim of Edur to the reversion of Ahmednuggur at the commencement of the present dispute. Moreover, Colonel Sutherland himself recorded an opinion in favour of Edur ‡—"The question relating to the disposal of Ahmednuggur," he observes, "will, of course, rest with the Bombay Government, should it be considered that any change in its relative position to us and to Edur becomes necessary in consequence of Takt Sing's election to the sovereignty of Marwar, he having offsprings, or, I conclude, collateral heirs, who, according to Rajpoot usage, may succeed to him in Ahmednuggur." Then follows a passage I have already quoted in paragraph of this Minute, followed by the admission "that the more usual course, however, would be, if Ahmednuggur be an offshoot from Edur, for the possession to revert to the parent house if it should now be considered to have fallen into the position of a house without an heir." This should be considered by Government, and if its decision "is in conformity with Rajpoot usage, neither party will have a right to complain," or, if it does do so, it will not 'carry along with it the sympathy of the Rajpoot world."

134 Supported, therefore, as the claim of Edur is by the decided opinions recorded by the late Colonel Tod and Captain Lang, as well as

* Letter dated the 9th Jano 1814

† Vide paragraphs 39, 31, and 13^o of this Minute

‡ Letter to the Government of India dated the 29th October 1813

by that, though expressed in more qualified terms, by Colonel Sutherland, I might, perhaps, without risk to the Rajah, rely on their testimony alone for a decision being passed in his favour. I shall nevertheless produce some further testimony I have discovered in its support.

135 In a former part of my Minute reference* has been made to the dispute which occurred in 1823 between Edur and Ahmednuggur respecting the reversion to the Byer estate on the death of the Chief without male issue. On that occasion the late Colonel Spiers, then Political Agent in Meywar, was requested to obtain the opinions of the principal States of Rajwarra on the point at issue. These opinions are, of course, the more trustworthy from having been obtained in a case totally unconnected with the present dispute. Those of Oodeypore and Pertabghur (the only Durbars who appear to have answered the reference) entirely corroborate the principle for which Captain Lang contends in the present instance. Oodeypore replies — "The custom of Rajwarra is, that the Chief of the family should provide from his own property for the younger members. If the younger have no heir, the provision reverts to the Chief, if there be a daughter, the Chief shall provide for her marriage, but she cannot dispute. Jowan Sing of Edur is the Chief, and Ahmednuggur, Mourassa, and Byer are his brothers. The state of things is, therefore, thus — Ahmednuggur and Edur are brothers holding each a share, when the division took place between the two, if Mourassa and Byer appertained to Edur, they should do so now, if to Ahmednuggur, they should so remain. Byer and Mourassa belong to that party to whom they then belonged, and to which they did service, but if afterwards, in consequence of disputes, they may have seceded from one party to the other and thus terminated the dispute, or if the Gaekwar or British Government may have decided and attached them to one zillahi, then so it must remain. But if they always remained as first settled, and the dispute concerning them was never decided, then Edur has the right to claim them." The Pertabghur State replies — "It is thus the custom in Rajwarra. The Chief of Edur is the head of that Raj, to a younger branch of that

family the estate of Byer was assigned; to that branch there is no heir; therefore the estate again becomes the property of the Chief of Edur; no one else has any claim on it. This is the custom." Stronger opinions than these could not be expressed in favour of the Edur claim. Substitute Ahmednuggur for Byer, and the cases are exactly parallel.

136. Another precedent, or that of the Raos of Pole, is also cited by Captain Lang in support of the Edur claim.* They are the descendants of the Rahtore family, who possessed Edur before it was conquered by the present dynasty. For the last two or three generations the Raos of Pole have succeeded to that Chiefship from the small *Thukut* of Veerabur in the Edur Talooka; and when in 1842 the present Rao succeeded, although he had four sons, Veerabur and its dependent villages devolved, according to custom, to his brother. The Raos of Pole are now subordinate to Edur, though their dependence is merely nominal. They have dwindled down into insignificance, most of their villages consisting merely of Bheel huts, but nevertheless they cling with all the pride of a Rypoot to their ancient feelings and customs, and are regarded with the greatest respect by the Bhoomia Rypoots of the province. Their poverty might form an excuse for the retention of the Veerabur *Thukut* in addition to the Chiefships of Pole if it were not opposed to all their notions of right and wrong. The facts as stated by Captain Lang are not derived by Tukt Sing, who, however, in one of his *Lhureetas*,† has made a very feeble attempt to explain them away. On this precedent, which appears to me to be so much in point, Mr.

* *I*de letter dated the 18th December 1843

† Dated 5th October 1845, Appendix B to Mr. Creathed's Report dated the 24th October 1845. The Maharajah observes with respect to the house of Pole belonging to the *Thukut* of Veerabur, "It is not to be considered as a precedent, but as a mere fact."

This cannot affect me. A person may for some reason or another choose to give away or abandon his house and chattels. He is at liberty to do so, and this may be the caprice of the Lord of Pole, but forsooth that all Rajasthan and other places should be guided by his example. That only can be considered a precedent which is universally adopted to put a stop to strife and dispute. In my opinion and that of others, the Rao of Pole displayed an erroneous notion of right in inflicting an injury on the interests of his son."

Greathed merely remarks that he is not aware whether the Pole family maintain the same observances of the laws of Rajasthan, they are the representatives of the Edurea Rahtores who were dispossessed by Anund Sing and his brother, and, according to Colonel Tod, are the descendants of Jor Sing, the second son of Sheo Sing, who first led the Rahtores from Canouj into Marwar in the beginning of the 18th century. Leaving their insignificance out of the question, Mr Greathead doubts whether the customs of the Pole family form as safe a standard for judgment as precedents* drawn from Rajasthan Proper. From this opinion I dissent, for, as the Pole family belong to Guzerat, and as the present question is to be decided according to the customs of Guzerat, and not according to those of Rajasthan, the precedent is exceedingly strong in favour of Edur.

137 If, however, the strong facts and striking precedents above noticed are deemed insufficient to establish the right of Edur to succeed to Ahmednuggur as a *lapse*, the Rajah then falls back on his rights of inheritance, and claims it as next of kin on the removal of Tukht Sing and his family to Jodhpore. A glance at the Genealogical Tables annexed to my Minute will show that the claim in this shape cannot be resisted. All, therefore, that I deem necessary on this point is to quote a few extracts from Captain Lang's correspondence on the subject. In the letter noted in the margin, written before it could have been foreseen that Jowan Sing's successor would be selected from either Edur or Ahmednuggur, Captain Lang observed† that the two families were so nearly related to each other, and their possessions so much intermixed, that any dispute

Dated 29th March 1812

* I confess I do not understand to what precedents Mr Greathed refers as I am aware of none having been produced in support of his view that have not either been disproved or shown to be inapplicable.

† This opinion was recorded in his correspondence with S R R. Arbuthnot, Collector of Ahmedabad, when resisting a claim preferred by the latter on behalf of Government to the Marwarree share of Mourassa. On this occasion he observed —

‘ There can be no doubt that the present Chief of Ahmednuggur has a better right to the Mourassa succession than he would have to Edur failing the present infant Rajah (a reply from the closer connection that formerly existed between the Chiefs of Ahmednuggur, Mourassa, and Byer in conducting their affairs having given the three persons more the character of one than three separate Chiefs); and as I imagine our Government would never dream of disputing the right of the Rajahs of Edur and

regarding Edur succeeding to Ahmednuggur and *vice versa* on failure of direct heirs would never have occurred, and in support of this view he remarked —“ Government do not exclude even remote collateral heirs from succeeding to *wantas* or other shares in Government villages enjoyed by their ancestors, provided they can prove heirship. On what principle, therefore, can we prevent the Chiefs of Edur and Ahmednuggur, who are second *cousins*, succeeding each other in their family possessions? Their right is more ancient and as well founded as our own.” In his letter dated the 16th November 1843 Captain Lang observes — “It is evident that Colonel Sutherland is not aware how nearly connected the two families of Edur and Ahmednuggur are, and that, after Maharaj Tukt Sing's own children, Maharaj Jowan Sing of Edur is his nearest heir. It is only about 50 years since Maharaj Sheo Sing, who enjoyed the united principality, died. He assigned Ahmednuggur a few years before his death as a maintenance to his second son, and soon after his death disputes arose in the family, and Ahmednuggur has since been held as a separate State. What Colonel Sutherland admits to be ‘the usual course’ should, therefore, be followed, namely, Ahmednuggur should revert to Edur.”

138 There is one argument in favour of the Edur claim deducible from the conduct which has been pursued by Tukt Sing. If the Maharajah had not felt conscious that he would, by the customs of his tribe, be obliged to relinquish his paternal estate, would he have involved himself in the fraudulent transaction of his son's alleged adoption? Or would he have misrepresented his real position at Ahmednuggur at the period of his elevation to the throne of Marwar? I think not, for these discreditable proceedings cannot otherwise be accounted for. On this subject Captain Lang remarks *—“It is evident, indeed, from Tukt Sing antedating the

Ahmednuggur to succeed each other in his direct heirs to either our claim to the Marwar share of *Wourassa* cannot be maintained unless the possession of one half in right of the *Peshwa* authorizes our appropriating the other half to the exclusion of collateral heirs however near of its former Chiefs whose right is much more ancient than the *Peshwa's*. This can never be maintained and was never thought of during the correspondence about Byer twenty years ago which if collateral heirs were excluded would lapse to us.

* Letter dated the 20th June 1845. In another letter he observes — I much regret that the Maharajah should have co-operated in this act of deception which must

adoption of his son, Juswant Sing, two full years, and his replies to the queries, so completely at variance with those of the other Durbars, and with the provisions of the Shasters on the subject of adoption, that he must himself be well aware of the invalidity of his claim if examined on its own merits" This deception and that of denying that he himself had ever been Rajah of Ahmednuggur was at first unknown to Captain Lang, and was so exceedingly shameless and could not be suspected

139 On all the grounds above stated, I am of opinion that the claim of Edur to the reversion of Ahmednuggur, both as a lapse and in right of inheritance, has been satisfactorily established While, on the one hand, it would be a great hardship on Edur to connect Ahmednuggur to Jodhpore, from which it has always been distinct, it would, I conceive, on the other hand, be no hardship on Tukt Sing to require him to relinquish Ahmednuggur, the retention of which is inadmissible in consequence of the high dignity he has attained In considering this question, moreover, the fact of his having acquired that dignity in defiance of law and custom, and in supersession of the senior member of the family, ought not to escape attention I therefore concur with Captain Lang, that "in justice to the Chief of Edur, who has already been so unfairly dealt with in his Jodhpore succession question, the British Government is bound to restore Ahmednuggur and its dependencies to the parent State, and to require Tukt Sing to remove his family to Jodhpore, at the same time making liberal assignments in land or money for the support of his late brother's widows and of any of the other ladies of the family who may, according to Marwarree etiquette, be obliged to remain in Guzerat" In conformity, also, with the same Officer's suggestion,* I would embrace the opportunity of increasing, to a moderate extent, the inadequate patrimony at present enjoyed by the "Soor" or younger branch of the Edur family, the Political Agent being directed to report to what extent he is of opinion it should be augmented

regarded as a strong proof of the untenable nature of his claim to retain Ahmednuggur for his son if examined and decided on its own merits alone "

* I de letter dated 24th October 1833

140. Before I conclude it will not be considered irrelevant if I offer a few remarks on the policy of this important question. The Political Authorities in Guzerat have strongly insisted that this is altogether in favour of the restoration of Ahmednuggur to the parent State, and that great evils are to be apprehended if it is allowed to remain in Tukt Sing's possession. The Political Authorities in Marwar, on the other hand, seem to consider it to be, as far as the general interests of the empire are concerned, a perfect matter of indifference whether the Chiefship reverts to Edur or remains with Tukt Sing.

141. The following extracts from Captain Lang's Reports will best explain his views on the subject :—

"As the families have been on bad terms, and nothing can exceed the rancorous feelings which the supersession of the Edur Chief in the Jodhpore succession has now caused between them, there can be no doubt of the expediency of requiring Tukt Sing to relinquish for himself and family all claim upon Ahmednuggur, as, with the great influence he would possess as Maharajah of Jodhpore and means of gaining over the Edur Sirdars and others to the interests of his own son, if one of them should be left in possession of Ahmednuggur, or, at all events, of embroiling them with their own Chief, I greatly fear we should only have to wait for the Maharajah of Edur becoming of age and the attachment being removed for the renewal of the system of internal rebellion from which the Mahee Kanta suffered during the life-time of the late Maharajah Gumbur Sing."*

"Any attempt of Tukt Sing to retain Ahmednuggur himself, or to bestow it on some other member of his family, would be a futile source of immediate disturbance, and tend eventually to reduce Edur to the state of anarchy and misrule from which it has only within the last few years recovered"†

"All the Edur Putlawuts complain strongly of the injustice which has been done to their young Chief in his supersession by Tukt Sing in the Jodhpore succession. They also said they would be bound

* Letter dated the 20th October 1843

† Letter to Colonel Sutherland dated the 20th October 1843; vide also Captain Lang's letter to Government on the same subject, dated the 22th October 1843

in honour to espouse their young Chief's cause Captain Lang succeeded in reconciling them to what was unavoidable, but Urjun Sing, 'one of the most sensible and best disposed of the Edur Sirdars, plainly stated that, if Ahmednuggur is likewise left in that family, none of the Edur Pattawuts will feel themselves safe in the continued enjoyment of their patrimonies;' and so great is the excitement on this question, that has only been by promising to visit Edur soon that the Political Agent could persuade the Pattawuts who had repaired to Sadra, his headquarters, to return to Edur."*

"There can be but one opinion that sound policy calls still more loudly for the measure. The continued tranquillity of the Mahce Kar for years to come will mainly depend on Ahmednuggur being kept independent of Marwar influence as it has heretofore been"†

"The authority of Edur over its Pattawuts will be weakened. If the claim of Edur is disallowed, I expect a renewal of disturbance with the Pattawuts, formerly so injurious to the province. As it is, the Chiefs look up to the Maharaj of Jodhpore as a powerful Chief, from whom they may expect protection and assistance in time of need. (On the recent occasion of the Rajah's marriage at Jaloombeer several of the most influential Sirdars did not accompany him, for reasons satisfactory to me, but which the Ranee attributed to a growing indifference to her son's interests. The Ranee declines to employ any of the Sirdars about the young Chief, fearing treachery. Some of the relations of the poorer Chiefs have obtained employment at Jodhpore, which creates jealousy and ill-will, and with such doubts and suspicions instilled in his mind from day to day, nothing, I fear, that we can do, if the Jodhpore connection with this province continues, will prevent his getting into difficulties with his Sirdars as soon as he is grown up and receives back the management of his country into his own hands"‡

On another occasion Captain Lang reported§ that when, in November and December 1845, he was on a visit at Ahmednuggur, although

* Letter to Government dated the 1st November 1843

† Letter to the Resident at Baroda dated the 6th November 1843

‡ Letter dated the 20th June 1845 paragraph 22

the authorities acting on Tult Sing's behalf were apparently willing enough to comply with his wishes, they nevertheless did not conceal that they were not empowered to settle disputes of any consequence without a previous reference to Jodhpore, to which place they had a regular dah laid. He was further informed that a Mukrawe Jemadar and some of the Sebundy stationed at Ahmednuggur belonged to the Jodhpore establishment. When, also, the Sirdar Pattawuts were assembled at Edur in 1845, and were reported to be about to create disturbances, it was ascertained that a note had been addressed to them by the Ahmednuggur Durbar, but as it had been destroyed, it could not be proved whether its purport was intended to foment disaffection. Captain Lang points out the difference in the weight attaching to such a communication proceeding from Ahmednuggur on its former footing in regard to Edur, to what it must now have, as emanating from the family of the Sovereign of Marwar, and repeats his opinion, that, if Ahmednuggur is permitted to remain connected with Jodhpore, it will be found altogether impossible to preserve the tranquillity of the Mahee Kanta after the young Chief comes of age, if so long.

Captain Wallace, the present Political Agent in the Mahee Kanta, also remarks *—

"My predecessor appears to have been strongly of opinion that the retention of Ahmednuggur as a dependency of Jodhpore would be detrimental to the interests of the Mahee Kanta, and for the following, among other, reasons, I am inclined to agree with him —*First*, the intermingling of the Ahmednuggur possessions with the contiguous British districts, and the joint partnership of the Rajah and the Company in one or two talookas, produce numerous references, which are more readily and conveniently arranged by a Political Agent on the spot than if that Political Agent were residing at Jodhpore and the same applies to the other surrounding possessions of other powers. *Second*, the feelings of hereditary animosity between the Edur and Ahmednuggur families, which would be pretty sure to break out into a flame without that constant check which a resident Political Authority ensures. Even already

* Letter dated 11th 30th November 1846 paragraph 8

the influence of Jodhpore has had the effect of rendering the transaction of ordinary business with Ahmednuggur more difficult, and it has been most improperly exercised in what I must call tampering with one of the Puttawuts of the Edur State this has given rise to a long correspondence, and notwithstanding the assertions of the Maharajah, the Thakoor Ajeet Sing of Mehadasun is still, for aught I know, an accepted guest at the Durbar of Tukt Sing On this subject I beg to annex extract of a letter from my Assistant,* which will, I trust, satisfy the Hon'ble the Governor in Council that the representations made from this Agency were fully supported by facts, and that the apprehensions entertained by my predecessors of the interference of Tukt Sing with the affairs of this province were consonant with the event "

In reference to the event referred to by Captain Wallace, Captain Lang in his final Report dated the 22nd April 1847 observes —

"The departure of one of the Edur Puttawuts, the Thakoor of Mehadasun, to Jodhpore, since I left the Mahee Kanta, in defiance of the wishes and remonstrances of the Edur Authorities, shows that I was not wrong in my opinion that good policy, as well as justice, requires the removal of all Jodhpore influence from the Mahic Kanta if we wish to preserve that province in peace and prosperity, and I can only, in conclusion, express my regret that in this view of the subject likewise I should feel bound to differ so widely in opinion with an Officer of Colonel Sutherland's experience and ability in such matters "

The Board will recollect the dissatisfaction experienced by the Edur Authorities with the proceedings of the Thakoor of Mehadasun, so strongly evinced in their desire to attach his putta as the penalty of his deviating from his allegiance to the Edur Durbar by proceeding

* Captain Keely writes as follows —

"I beg to inform you that Daseo Juggewun, the sole Manager of Ahmednuggur, waited on me at the Samajee Fair and in the course of conversation, which I took care should not excite suspicion, he informed me that Ajeet Sing applied for permission to proceed to Jodhpore in February last and sent the letter through the Ahmednuggur dikh; that an answer was received from His Honor about a fortnight afterwards together with one from Cumber Sing a person well known to Mr. Gwatkin, I told you; and that these letters he (the Daseo) had sent to the Mehadasun Thakoor. The Daseo also asserted that he knew from his own letters the purport of the one from His Honor to

in opposition to its orders to Jodhpore. For further particulars, I would refer to the correspondence between this Government and the Governor General of India noticed below.*

112. I do not think that the objections thus strongly urged against the policy of allowing the Maharajah of Jodhpore to retain Ahmednuggur have been satisfactorily answered by the Political Authorities in Marwar. The Maharajah has himself observed† that he never requested that Ahmednuggur should be attached to Jodhpore; as it now is, so let it remain. So why should the well-being of the Mahee Kanta be disturbed? "Mr. Greathed makes only one allusion‡ to the subject, to the effect that the arrangement proposed by Tukt Sing (namely, transferring Ahmednuggur to his younger son) will secure Captain Lang's object, or the independence of the Mahee Kanta of Marwar, or that, if this is doubted, the Government of India can issue any orders it may think necessary, for His Highness is fully sensible that under any circumstances of tenure it must remain subservient to the authorities in the Mahee Kanta. Colonel Sutherland does not apprehend any evil consequences to the well-being of the Mahee Kanta from a son of the Sovereign of Marwar being in possession of Ahmednuggur, but would rather look to good than evil consequences from any interest he may take in the inferior Chiefships §. Even should it become a

Thakoor Ajeet Sing which was to desire him to postpone his visit till after the rains, owing to some family concerns, when he promised to try and better his condition; but that Ajeet Sing being impatient, and, pressed by his creditors, went before instead of after the time; describe

The Desance also admitted that Tukt Sing wished to bestow a putta of Rupees 10,000 or 12,000 on Ajeet Sing but that he experienced some difficulty from the Nobles of his Court who were averse to his alienating the Crown Lands to foreigners, and subsequently, too, orders of the Supreme Government interdicting him from entertaining the Puttawants of the Ruler State in his employ had put a stop to his intentions. He further stated that during the time the Thakoor has remained at Jodhpore he and his followers have been maintained at the expense of the Maharajah, and that in Scerpao and other presents the Thakoor has received about Rupees 10,000.

* Letters to Mr. Secretary Currie, dated the 21th July, 28th July, and 12th November 1846, with the replies thereto, dated the 21st August, 18th September, and 1st October 1846.

† Letter enclosed to Mr. Greathed's letter dated the 6th May 1846

‡ Letter dated the 21th October 1845

§ Letter to the Government of India dated the 16th May and 10th June 1846

dependency on Jodhpore, he does not see why it should not be governed under our supremacy as harmoniously as if it were a dependency of Edur.

“The Political Authorities in the Mahee Kanta need hardly apprehend any diminution in their importance from being to this extent connected with Marwar, or with the Political Authorities in Rajpootana ”

143. With reference to some remarks formerly made* by this Government on the policy of the question, it was informed† that the Government of India has always entertained the desire to do justice to all parties in this case without reference to any other inducement to adjudicate justly between the parties, and I quite concur in the sentiment that cases like the present should be determined upon “that eternal principle of justice whose voice” (to use the beautiful and expressive language of Hooker) “is in the harmony of the world, whose seat is in the bosom of God ” I may therefore, after the remark of the Supreme authority in India, be blamed for again alluding to the public policy of the question at issue, by which I mean that policy which seems best calculated to secure the peace and prosperity of the country in which this dispute has arisen. I beg therefore to explain that, although I would never advocate a departure from the strict principles of justice on grounds merely of political expediency, I cannot but feel a satisfaction in a case like the present, when, as I conceive, justice and policy both recommend the arrangement which, after the most patient research and consideration I have proposed, in other words, when what strict justice dictates as proper is likewise consistent with sound policy. Captain Lang’s opinions are supported by facts, whilst those of Colonel Sutherland and Mr. Greathed are purely theoretical, and already contradicted by events which have actually occurred in the Mahee Kanta subsequent to Tukt Sing’s accession to the Marwar sovereignty. Captain Lang, moreover, has not cited all the facts which support his view of the case. In paragraph 13 of this Minute I have alluded to a junior member of the Soor branch of the Edur family having, contrary to the allegiance he

* Letter to Government of India dated the 24th September 1843.

† Mr. Secretary Currie’s letter in reply thereto, dated the 27th January 1844.

owes to Edur, sought service with the Ahmednuggur Darbar, and having in consequence incurred the displeasure of his suzerain the Rajah of Edur. The case of Ajeet Sing, the Thaloor of Mehdasun, quoted by Captain Lang, is another of the same kind, and if these things have happened whilst the dispute is pending, what may we not expect on the supposition that it is to be determined in Tult Sing's favour? From my local experience, moreover, of the Mahee Kanta, I am satisfied that the evils apprehended by Captain Lang are not purely those of imagination. I have a vivid recollection of the anarchy and confusion which prevailed in that province about the period I entered the service, or 28 years ago. Year after year have I witnessed large bodies of troops despatched into the Mahee Kanta to suppress the disorders which arose about the time the province was committed to our charge, and almost entirely to be attributed to the virulent disputes which then prevailed between Gumbur Sing and his Pattawuts. I cannot therefore but fear that the introduction of any foreign influence or interference with its affairs will inevitably lead to a renewal of these evils, and I rejoice to think that, without any deviation from strict justice, the Government of India has it in its power to exclude this influence. But it is not alone in Guzerat I apprehend evil. Tult Sing, in the course he wishes to adopt, is, I think, nourishing a serpent in his own bosom. He cannot transfer Ahmednuggur to his second or third son, *born subsequent to his introduction into another family*. He has proposed this from a very natural* desire to avoid so great an injustice towards his eldest son, as excluding him from the succession to the Jodhpore Throne. But he *must be* excluded if he remains at Ahmednuggur, and a fertile source of dissension will be thus created in his own family, and, not unlikely, a contested succession to the throne of Marwar on his death.

144 For the reasons I have assigned, I entirely concur, therefore, in the opinion which was long since recorded by the Government of the Right Hon'ble Sir George Arthur, that, on grounds of justice, equity, and policy, Ahmednuggur and its dependencies should now revert to Edur, and that these two principalities should again, as they did previous to A.D. 1784, form one State under the Rajah of Elir.

* I have enlarged on this topic in paragraphs 115 to 118 of this Minute.

With reference, however, to the great length to which my remarks have been extended, I will, in conclusion, recapitulate the principal facts on which my opinion is based

1st —That, although of the same clan and descended from a common ancestor, Jodhpore and Edur have always been separate and distinct States, entirely independent of each other

Paragraphs 5 and 6 of this Minute

2nd —That Edur was formerly governed by its own Chiefs, designated the Raos of Pole, who were, however, conquered by, or were at all events dependent on, and paid tribute to, the Kings of Guzerat, and afterwards on the Emperors of Delhi when Guzerat was annexed to the empire, and governed by a Soobadar or Viceroy

Paragraph 7 and note thereto

3rd —That the present State of Edur was founded about 120 years ago by two brothers of the then Sovereign of Marwar, who, after a severe contest with the "Raos," ejected them and subdued their country

Paragraphs 7 and 9

4th —That the Edur State formerly consisted of seven districts, namely, Edur, Ahmednuggur, Mouras a, Byer, Hursole, Puranteje, and Veecapore, the two last of which have long since been severed from it

Paragraph 7

5th —That about 70 years ago Sheo Sing, Rajah of Edur, assigned Ahmednuggur to his second son, Sugram Sing, as a provision for his support

Paragraph 11 of Minute

6th —That, on Sheo Sing's death and during the minority of his grandson, Ahmednuggur became dismembered from Edur, and although its Chief continued to perform military service to Edur up to a very late period, it may in all other respects be regarded as practically independent of Edur

Paragraphs 11 11 23

7th —That, with the aid of Ahmednuggur, and under the same favourable circumstances for aggression, Mouras a and Byer were severed from Edur,—

Paragraphs 1* to 21.

the former having been extorted by Zalum Sing and the latter by Ameer Sing, both sons of Sheo Sing, as their maintenance

8th —That the Chiefs of Ahmednuggur, Mourassa, and Byer have usually been on bad terms with, and have therefore, by community of interests, been induced to make common cause against, Edur, the parent State, and by these means their usurpations were confirmed

Paragraphs 12 to 23

9th —That Mourassa and Byer therefore also practically established their independence of Edur, but both these lines having become extinct, Edur has perseveringly claimed them as reversions to the parent State

Paragraph 21

10th —That, on the death of Zalum Sing of Mourassa, his widow was allowed by the Gaekwar Government to adopt a brother of the Chief of Ahmednuggur as her son, in defiance of the strong remonstrances of the Rajah of Edur

Paragraphs 15 to 23

11th —That, on the death of this adopted son without issue, Mourassa was again claimed by Edur, but became united with Ahmednuggur

Paragraphs 16 to 23

12th —That in A.D. 1823 the Byer line becoming also extinct, that State was claimed both by Edur and Ahmednuggur

Paragraphs 20 and 21

13th —That although Edur and its several branches are independent of each other, they became many years ago, on the decline of the Mogul Empire, subordinate to, and tributary to, the Mahrattas

Paragraph 19

14th —That at the present time Edur and Ahmednuggur are tributary to the Gaekwar Government, and Mourassa and Byer to the British Government, as succeeding by conquest to the rights of the Peishwa,—a very important fact, which in the discussion of this question has been entirely overlooked by the Political Authorities in Marwar

Paragraph 18

15th —That the dispute between Edur and Ahmednuggur for the reversion of Mourassa and Byer has now merged in that for the reversion of Ahmednuggur.

Paragraphs 20 and 21

16th —That, on the death of Maun Sing, Maharaj of Jodhpore, in September 1843, Jowan Sing, the present Chief of Edur, would, according to the law and custom of Guzerat, have become, as nearest of kin, his successor.

Paragraphs 25 to 29

17th —That his claim to succeed to the sovereignty of Marwar was frequently recognized prior to Maun Sing's demise by Colonel Tod and Colonel Sutherland, Agents to the Governor General in Rajpootana, and by the Government of India

Paragraphs 26, 27, 28, 31, 34

18th —That in Rajasthan, when a Sovereign or Chief dies without an heir, the Sirdars of the State elect and the widows adopt his successor, that member of the family being selected in whom propinquity and merit are united.

Paragraphs 30 and 31

19th —That to render the election valid, adoption must follow.

Paragraphs 30, 31, 33, 35

20th —That in less than two months after Maun Sing's death Tukt Sing, the Chief of Ahmednuggur and representative of a younger branch of the Edur family, was elected and adopted Sovereign of Marwar in supercession of Jowan Sing, the Chief of Edur and representative of the senior branch of the family.

Paragraphs 34, 39

21st —That simultaneously with Tukt Sing's election, his then only son, Juswunt Sing, was invited to accompany him as heir apparent to the throne of Jodhpore

Paragraph 37

22nd —That, according to the custom of Rajasthan, the right of appeal existed to the British, as the paramount Government of India, against Tukt Sing's election. That the Rance of Ldur exercised this right, and strongly

Paragraphs 36, 37 Notes to 47, 48, 115

remonstrated against the election. Her appeal, however, was not attended to, but Tukt Sing's election was confirmed by the Government of India.

23rd —That Tukt Sing's election is easily accounted for by the

Paragraph 38

different circumstances in which the candidates were placed, he being an active, intelligent young man of 24 years of age, competent to secure his own interests, whereas his rival is a minor, under the guardianship of the British Government, relying with confidence that his interests would be carefully protected.

24th —That although I imagine the arrangement which placed Tul t

Paragraphs 39 to 33 39 to

Sing on the throne of Marwar must be held to be irrevocable, his election and adoption was contrary to the customs of Rajasthan, and *still* more so to Hindoo law.

25th —That Colonel Sutherland has very correctly declared that

Paragraph 40

Tukt Sing "was too old to undergo the rite of adoption," and, to relieve himself from the difficulty, unmindful of his previous reports to the contrary, has declared that Tukt Sing was only elected, and not adopted, which, if admitted, would render his election null and void.

26th —That, in regard to the disposal of Ahmednuggur and its

Paragraph 41

dependencies, "the opinions and usages of Guzerat should, as directed by the Hon'ble Court of Directors, be constituted the standard of judgment," and not, as is desired by Tul t Sing, those of Rajasthan.

27th —That, on Tukt Sing's election in October 1813, the Bombay

Paragraph 42

Government recorded an opinion in favour of the Rajah of Edur's right to succeed to this Chiefship, and, conformably to custom, placed Ahmednuggur under attachment.

28th —That this attachment was removed by order of the Govern-

" "

ment of India, and instructions issued for the discontinuance of further correspondence on the subject.

29th —Under these instructions the discussion on the part of the Bombay Government ceased for 15 months,
Paragraph 4 when it was re-opened by the Government

of India, with an intimation that its orders had been misapprehended

30th —That this Government were now for the first time informed that Tukht Sing had represented to the
Paragraphs 46 and 47 authorities in Marwar that at the time of

his transfer to Jodhpore he was not *de jure* Chief of Ahmednuggur, but merely acting as Regent on the part of his infant son, Juswunt Sing

31st —That, in support of this statement, Tukht Sing avers that his son was adopted in November 1841 by the
Paragraphs 48 and 49 widow of his brother, Prithce Sing, on the

death of her own son, Bulwunt Sing, born subsequent to her husband's demise

32nd —That this adoption is denied by Captain Lang, the Political Agent in the Mahee Kanta, who asserts that
Paragraphs 49 to 50 no adoption was made until the 19th October

1843, the day previous to Tukht Sing's departure for Jodhpore

33rd —That, on a careful review of all the circumstances of the case, it appears that the alleged adoption is
Paragraphs 56, 70 and 71 fraudulent and fictitious, that the right of

adoption did not exist but that, admitting the reverse, the manner in which it was effected rendered it altogether invalid

34th —That the fraudulent character of the adoption is proved,
Paragraphs 54 to 56. 1st, by internal evidence afforded by the deed
Paragraphs 57 and 58 itself, and by the circumstance of its having

been antedated two years, 2nd, by the admission of some of the attesting witnesses and the proved falsity of the
Paragraphs 59 and 60 testimony of other witnesses, 3rd, by the

fact that the adoption was unknown to our Political Agent until October 1843, 4th, by
Paragraphs 49 to 51, 61 Tukht Sing having concealed the event on
Paragraphs 62 and 63 an occasion when his interests essentially

required that he should have declared it, 5th, by Tukht Sing having affirmed three, if

not four, different versions of the circumstances under which the adoption occurred, 6th, by the fact that Prithi Singh's widow after the death of her own son did not possess the right to adopt, but admitting the existence of such right, Tukt Sing's son was ineligible for adoption

Paragraph 66

35th —That, admitting the adoption was in all other respects valid and unobjectionable, it is proved by documents produced by Tukt Sing himself to be null and void, because, in conformity with established usage, it was never reported to, or confirmed by, the Gaekwar and British Governments as Lords paramount

Paragraphs 67 and 68

36th —That it follows as a necessary consequence that, if the adoption was fraudulent, Tukt Sing was guilty of a further deception in representing to the Political Authorities in Marwar that he was not Chief of Ahmednuggur when he was removed to Jodhpore

37th —That it is clearly proved that he was both *de facto* and *de jure* Chief when that event occurred, and had been so for two years previous to his elevation to the Marwar throne

Paragraphs 46 47 72 to 73

38th —That the fraudulent transaction in regard to the adoption and the deception attempted in regard to his own position at Ahmednuggur when he was elected Sovereign of Marwar were resorted to by Tukt Sing to enable him to retain Ahmednuggur in his own family, since it was otherwise forfeited by his adoption into Maun Sing's family

Paragraphs 71 and 77 [and 133

39th —That Tukt Sing cannot retain Ahmednuggur in his own right, the same having been clearly forfeited by the customs of Rajasthan and Guzerat, and by the Hindoo Law of adoption

Paragraphs 77 to 92

40th —That, by the custom of Rajasthan and Hindoo Law, Ahmednuggur cannot be retained by Tukt Sing in his family in virtue of his eldest son Juswunt Sing's right of inheritance thereto.

Paragraphs 92 to 99

41st —That neither can it be retained in virtue of his eldest son's alleged adoption by Prithi Sing's widow, which has been proved to have been a fraudulent transaction

Paragraphs 77 to 92 and 100

42nd —That it cannot be secured, as Colonel Sutherland states, in the family by any other adoption

Paragraphs 101 and 102

43rd —That it would be exceedingly unjust and impolitic to decline, on behalf of Tukht Sing's eldest son, the invitation that he should become heir apparent, since the effect of such refusal would be to exclude him from the succession to the sovereignty of Marwar

Paragraphs 103 to 106

44th —That Tukht Sing is fully sensible of the injustice which his first-born would thus suffer, and, with the view of providing against it, has proposed that one of his younger sons, *born subsequent to his arrival at Jodhpore, should be given in exchange in adoption to Prithi Sing's widow, and, in virtue of such adoption, inherit the Chiefship of Ahmednuggur*

Paragraph 107

45th —That although this arrangement is advocated by the Political Authorities in Marwar, it is wholly inadmissible, being supported neither by law, custom, nor precedent

Paragraphs 108 to 113

46th —That the elective system, which prevails in Rajasthan, being unknown in Guzerat, cannot be reverted to to supply the present vacancy in the Ahmednuggur Chiefship

Paragraphs 114 to 117

47th —That when the Jodhpore succession question was pending, the Rajah of Edur on the one hand and the Rajah of Ahmednuggur on the other expected that the possessions of the successful candidate in Guzerat would devolve on the other

Paragraph 122.

48th —That Ahmednuggur, in consequence of Tukht Sing's removal to Jodhpore, is in the position "of a house without an heir"

Paragraph 123.

49th —That in consequence this Chiefship, according to the customs of Ryasthan and Guzerat, reverts to
 Paragraphs 128 to 136
 Edur, the parent State.

50th —But should this be denied on the principles by which successions to Chiefships are regulated under
 Paragraphs 137 to 139
 this Presidency, it devolves to Edur by right of inheritance, the present Chief of Edur being, after Tukt Sing and his sons, nearest of kin

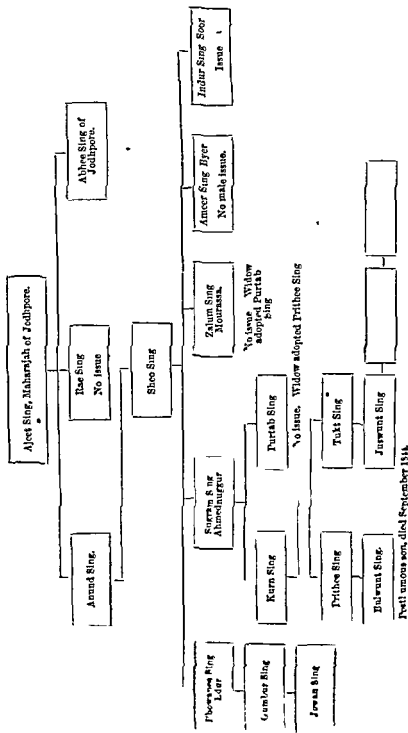
51st —That Edur having always been separated from Marwar, the Jodhpore State can have no claim to the
 Paragraphs 7 and 8, 130 and 131
 reversion of Ahmednuggur.

52nd —That, in justice and equity to the Chief of Edur, Ahmednuggur and its dependencies ought to be
 Paragraph 139
 re-annexed to that State, Tukt Sing being required to remove his family to Jodhpore, and a suitable provision being assigned to the widows of the late Prithce Sing.

53rd —And lastly, that this arrangement is recommended by public policy, as best calculated to ensure the peace and prosperity both of Guzerat and Rajasthan.
 Paragraphs 140 to 141

(Sd) J. P. WILLOUGHBY.

GENEALOGICAL TABLE of the Raitores settled in Guzerat in A D 1733



Minute by the Hon'ble the Governor—dated the 26th September 1847

THE care and perspicuity with which the preceding Minute by the Hon'ble Mr Willoughby has been drawn up leave little to say in support of my opinion in this case, which is in accordance with the conclusions at which he has arrived after much study and research.

An acquaintance formed with Chiefs and Thakoor's during my service in Rajpootana had led me to take an interest in the events of the last few years of Maun Sing's reign and in those which followed the death of that imbecile Rajah of Jodhpore, and the impression on my mind has ever since been, that, as to the latter, the adoption of an adult independent Chief of another Raj himself having a son in succession to the throne of Marwar, was a false measure. Did the Rajwarra customs in such cases prescribe election only without adoption? The decision, although superseding a claim founded on nearer consanguinity, might have been less objectionable, but such is not the case. Adoption also is requisite in Marwar, and hence the Thakoor's and Ranees being unanimous to elect the Ahmednuggur house, they ought to have adopted, and so called to the throne, the son of the Ahmednuggur Chief. The absurdity of the adoption which they did determine on, written as it was by the Ranees themselves, is well touched upon by Mr Willoughby (paragraph 40), and Mr Willoughby might have added that Colonel Sutherland, in using the term he did, was only following literally the expression of this country for adoption, a boy's adoption, the only adoption by women hitherto known.

It seems as if Tukt Sing, in cultivating the interests of his family through his Agents at Jodhpore, had become more grasping than he at first contemplated. Less ambition might have secured Marwar for his son, and have left him in his possession of Ahmednuggur. His advisers must have known that one going forth to be adopted to a Chiefship is considered, in respect to inheritance and the performance of religious ceremonies, as no longer a member of, or related to, his natural family. But Tukt Sing becoming ambitious of the throne of Marwar for himself, and thereby standing in the way of the fair adoption and election of his son, thought to abandon his first Chiefship to that son, thus only in part fulfilling the injunctions of the electors, and to trust to Providence for the birth of another

heir to succeed him in Marwar. This irregular procedure and the juggle by which it was attempted to strengthen his son's claims to Ahmednuggur through means of a tardy adoption of him by his brother Prithee Sing's widow have created the false and anxious position in which the family relations of Tukht Sing are now placed. He, however, succeeded in his main object, and he, perhaps, relied that success therein might not prove detrimental to the inheritance of his son if adopted to his brother's Chiefship on his departure. But the fact that the son was at the same time elected heir apparent of Jodhpore is, I think, a fatal objection to his claim. Should the circumstance be elsewhere denied, the evidence, as exhibited by Mr Willoughby, seems to me to be perfectly clear, in proof that the election of the father as Sovereign of Jodhpore and of the son as heir apparent were one and the same act.

The hardship on the Edur Chiefship respecting the succession to the Jodhpore Raj is, that it was doubtless owing to Edur being at the time under British management, and, consequently, the machinery of intrigue, bribery, and artful advocacy, as brought to bear in palaces on such occasions, deranged, that Ahmednuggur succeeded in throwing over Edur. This decision, however, being the result of election, however procured, in Rajwarra, and, moreover, confirmed by the British Government, it is finally disposed of.

But with respect to the claim of Edur to the possession of Ahmednuggur, I regard it as just and conformable to the usages of the province. And it is the more incumbent that such usage should be allowed to be maintained in Guzerat, since the greatest latitude was given to the usages of Rajwarra, greatly to the prejudice of Edur, in the decision of the Jodhpore question.

Under any form of the original relations of the several houses concerned in this case, it would be as well if the Paramount State could prevent a Chiefship situated as Ahmednuggur is territorially and politically from being brought under the influence and authority of Jodhpore. That such must be the consequence of allowing Tukht Sing's projects to take effect, that the Ahmednuggur State would be virtually absorbed in Marwar, no one who knows the Rājsthan and reflects for a moment can doubt. But the case being one, as respects Ahmednuggur

and Edur, of resumption by the latter of an appanage originally assigned to a younger brother, this course is, I think, recommended on the score of justice as well as expediency. There are various facts relating to this case that serve to establish the merits of it on both these grounds. But all of them have been so clearly and at the same time, as it seems to me, so fairly stated by Mr Willoughby, that reference should be made to his Minute for the detail of their circumstances.

Rajah Tukt Sing's attempt to foist back upon Guzerat a child of his born since he was transplanted to the throne of Marwar, while hundred from a common ancestor are reigning near at hand, is, I conceive, too manifestly unconstitutional, and too much opposed to usage and propriety to require that pretensions founded on such a contrivance should be considered by the authority on whom now rests the determination of the other question.

(Sd) GEORGE CLERA

Minute by the Hon'ble Mr. L. R. REID,—without date

I NEED merely record my assent in the conclusions at which Mr Willoughby has arrived in his able and perspicuous Minute on this intricate question.

Minute by the Hon'ble Mr. J. P. WILLOUGHBY—dated the 28th September 1847

I AM much gratified to observe that the view I have taken of this important case is concurred in both by the Hon'ble the Governor and the Hon'ble Mr Reid

From LIEUTENANT COLONEL J. SUTHERLAND Agent to the Governor General for the States of Rajpootana to H. M. ELLIOT Esq., Secretary to the Government of India, Foreign Department with the Governor General—No 22-1132 dated Camp Decar, the 4th November 1847

I HAVE the honour to submit, for the consideration and decision of the Right Hon'ble the Governor General, a copy of a letter, with copy of enclosures, No 72, dated the 27th ultimo, from Mr. Greathed, Political Agent, Jodhpore, on the important questions of Koor Juswunt Sing, the eldest son of Maharajah Tukt Sing, proceeding from Ahmed-

nuggur to join his father, a younger son being sent for adoption by the widow of Prithce Sing of Ahmednuggur according to her own and the Maharajah's wish Juswunt Sing is now in his tenth year, and it is, of course, highly important that he should proceed at an early period to Jodhpore to be educated under the care of his father as heir apparent to his musnud

2 My opinion on this subject was required shortly after my

To Secretary with the Governor General No 81 dated 2nd May 1846

To Secretary with the Governor General No 90, dated the 16th May 1846

To Secretary with the Governor General, No 103 dated the 10th June 1846

return from furlough in 1846, and given at great length in my letters as per margin My views then, as now, concurred with those of Mr Greathed, and were in favour of the adoption of a younger son of Maharajah Tukt Sing's by the widow of Prithce Sing of Ahmednuggur if both parties were agreed in this measure, but the letters are still unanswered, and nothing has been done to satisfy the mind of the Maharajah of Jodhpore in this important matter Authority from the Right Hon'ble the Governor General is only, apparently, necessary, because Ahmednuggur is subject to the superintendence of the Hon'ble the Governor of Bombay

From H H GREATHED Esq, Political Agent, Jodhpore to LIEUTENANT COLONEL J SUTHERLAND Agent to the Governor General for the States of Rajpootana—No 72 dated the 27th October 1847

I HAVE the honour to transmit, for your information and eventual

From Political Agent, to Agent, Governor General—

No. 91, dated 20th August 1845

• 119, • 21th October 1845

• 74 • 6th May 1846

From Agent, Governor General to Political Agent—

No 640 dated 16th May 1846

• 743, • 10th June 1846

submission to Government, a copy and translation of a Khureeta from His Highness the Maharajah of Jodhpore to my address, drawing attention to our correspondence on the subject of the disposal of the Ahmednuggur Principality, but more particularly urging the advantages and propriety of his eldest son, Juswunt Sing, now at Ahmednuggur, being permitted to join His Highness at Jodhpore

2 The Maharajah has always contemplated securing the succession to Jodhpore to his eldest son, and has frequently expressed his anxiety lest the protracted period Juswunt Sing has been allowed to remain at Ahmednuggur under the imperfect control of the widow of Maharajah Prithi Singh should produce undesirable effects on his mind and character. A formal application on his account has been hitherto deferred by the Maharajah, in the hope that the final orders of Government on the Ahmednuggur question would preclude the necessity of a separate reference.

3 The final decision upon the relative merits of the rival claimants to the Ahmednuggur State need not, it would appear, be affected by the immediate gratification of the desire of the Maharajah to see Juswunt Sing at Jodhpore, for, should Ahmednuggur be given to Edur, Juswunt Sing and all the other members of the Maharajah's family now residing at Ahmednuggur will naturally repair to Jodhpore, and if the orders of Government preserve the principality to the Ahmednuggur family, no foreign interest will be affected by Juswunt Sing's taking up his position as heir apparent to the Jodhpore Throne, and yielding his place in the adoption of Maharajah Prithi Singh's widow to a younger brother, according to the wishes of the Maharajah and the widow, the contracting parties to the adoption.

4 You are aware that on Maharajah Tukt Singh's nomination to the Jodhpore Throne in September 1843 Juswunt Sing was specially named in the deed of election as heir apparent, and in my letter, No 91, of the 4th August 1845, to Major Thorpe's address, I explained that nothing has occurred at Jodhpore to vitiate the rights of Juswunt Sing, and since that letter was written, I have seen no reason to alter the following sentiments expressed in the concluding paragraph — "The acknowledgment of Koor Juswunt Sing as heir apparent to the throne of Marwar will, in my humble opinion, be in accordance with the wishes of the Maharajah, with the Majees and Nobles of Marwar, and with the right of primogeniture of the young Prince. It may naturally be supposed, should Juswunt Sing's adoption bar his claim to succession to the gaddi of Jodhpore and confine him to the sovereignty of the petty State of Ahmednuggur, that he will hereafter, when a man, consider himself

aggrieved by being shut out from the more splendid inheritance by proceedings in which from youth he had no voice and bore no part "

5 I beg to append, for easy reference, a transcript of the letter from the widow of Prithoe Sing to Maharajah Tukt Sing, of which a translation was enclosed in the Appendix to my letter, No 118, October 24th, 1845, it contains her proposal to send Juswunt Sing to Jodhpore and to adopt a younger son, and is alluded to in the opening paragraph of the Maharajah's letter.

Substance translation of a khureeta from HIS HIGHNESS MAHARAJAH TUKT SING, of Jodhpore, to the Political Agent,—dated the 26th October 1847

On the 27th August 1845 I addressed you a khureeta replying to and refuting the claims to Ahmednuggur advanced by the Edur Chief, accompanied, among other documents, by a proposal on the part of the Bhabee Sahibah, and on the 1st of May 1846 a note was presented to you by my Vakeel, Radhalaul, in reply to a communication from you on the same subject dated 7th March of that year

Translations of these documents were, of course, forwarded by you at the time to the Supreme Government, and I confidently rely, through your attention, for the speedy receipt of a satisfactory answer The friendship manifested towards me by the Agent, Governor General, and yourself, assures me that, through the kindness and consideration of the Supreme Government, the wishes of the Bhabee Sahibah and myself will be fulfilled, and that whatever tends to the security of my Government will be accorded without prompting on my part

At the time of my departure from Ahmednuggur to Jodhpore Mahary Koor Juswunt Sing was six years old, he is now ten, and has arrived at an age when it is proper he should be instructed in all that pertains to the condition and bearing of a Sovereign, and be imbued with proper maxims of Government

It is every where allowed that children of all degrees whose youth is not passed under the discipline of their elders, or the wholesome

restraint of their fathers, are disposed to become wrong-headed, and, following their own inclinations, to waste the days which should be devoted to instruction, to retrieve which the efforts of the best masters and teachers are unavailing. More especially is this the case with regard to the children of Princes, who naturally exact more obsequiousness. If they are not under the restraint exercised by a father, may God preserve them.

Consequently, in the opinion of myself and the Bhabee Sahibah, and of all well thinking Ministers and experienced Chiefs who have heard of the risk to which Maharaj Koor Juswunt Sing is exposed, it appears desirable that he should be summoned to Jodhpore before these precious days have passed, and be carefully instructed in all the weighty affairs of Government.

Translation of a letter from the BHABEE SAHIBAH SESODUNJEE (the widow of MAHARAJAH PRITHEE SING of Ahmednuggur) to the address of MAHARAJAH TEKT SING of Jodhpore

WHEN your brother's son, Bulwunt Sing, died, you became the owner of all the land, places, &c., but to enable me to forget my sorrows, you gave me Juswunt Sing in adoption. Still you remained lord and master. Subsequently you acceded to the Jodhpore throne, and Juswunt Sing was heir apparent. But out of regard for me, and considering me one of your family, you left Juswunt Sing here. Now, agreeably to my wishes and your own, and in conformity to the deed executed at Jodhpore (*viz*, the nomination of Juswunt Sing as heir apparent), summon Juswunt Sing to Jodhpore and give me your younger son in adoption, for this is your house, and I wish for your younger son. It is a family affair, and I consent to it, so do not demur. This place is yours, act accordingly.

Sumlut 1902 Sawun Bud 13th

Signed with my own hand. What is written above is correct with my will and consent it is written. You are the master here. Sesodunjee

Shree Bhabee Bheerpoorejee, her greeting. The above is correct written with free will and consent. Signed with my own hand.

Shree Bhabee Rewuajee The above is correct written with free will and consent signed with my own hand

Maharaj Shree Ameer Sing. Signature and attestation

Thakoor Raj Sing, son of Sher Sing signed by Amjee

Thakoor Kesree Sing, son of Kullian Sing

Thakoor Sirdar Sing, son of Mal Sing

Thakoor Kishen Sing, son of Chain Sing

Thakoor Mahdo Sing, son of Gumbur Sing, signed by Sirdar Sing at my bidding

Thakoor Mahdo Sing, son of Futteh Sing, signed by Kishen Sing at my bidding

Thakoor Sewace Laljee, signed by Sirdar Sing at Mahdo Sing's bidding

Dussey Jookjeeewun, son of Bareedoss

Mahta Roopram, son of Awulram

From LIEUTENANT COLONEL J SUTHERLAND Agent to the Governor General for the States of Rajpootana, to H M FLLIOT, Esq, Secretary to the Government of India Foreign Department—No 21 103 dated Camp Murh in Bickaneer, the 20th January 1819

I HAVE the honour to submit a copy of a Report from H H. Greated, Esq, Political Agent in Marwar, dated the 1st instant and numbered one, being the third and last from that very able Officer during the period of his employment in that country, written just previously to his departure for Europe on furlough These Reports afford valuable materials for a history of our political relations in connection with Marwar, and of the two first I availed myself largely in drawing up my paper, No 101A, dated 1st June last, on that subject I concur with Mr. Greated that the present and last Report "displays an unceasing advance in the prosperity of the country and a gradual but sound development of the principles of policy we seek to inculcate among our Native allies"

2 The 2nd, 3rd, 4th, and 5th paragraphs relate to the measures taken for punishing those who had permitted Doongur Sing and his band of Shikharwats to organize in Marwar, whence they proceeded to plunder the Nusserabad Treasury, and to the assistance afforded by the Maharajah in the dispersion and capture of the marauders. It will be considered creditable to the Marwar Troops that, although these operations carried them into the territories of Jeypore, Bikaner, and Jeysulmere, there was no imputation of misconduct against them. I entirely concur with Mr Greathed in opinion that an opportunity has thus been afforded to Maharajah Tukht Sing to evince attachment to our cause and the efficiency of his administration.

3 Referring to the 6th paragraph of Mr Greathed's Report, and the measures which it was necessary to adopt for the purpose of punishing the incursions of Khosis and other tribes from Thurrand and Nuggur Parlur, I met several parties of these nomadic tribes in my progress from Dera to Jeysulmere. The relations in which they had so long stood to the Ameers of Sind have, of course, been disturbed by the conquest, and it must be doubtful whether they can ever come under similar relations to our Government, but they are no longer formidable, having lost their horses and mostly their arms. They appeared to me mere wandering shepherds, cow, and buffalo herds, going in search of pasturage over a very extensive tract of country, still, like all nomadic people, ready to plunder whenever opportunity offers, although at present they have lost the character which in 1830 rendered them so formidable to Cutch, Marwar, and Jeysulmere, and which forced us to arm against them. Copies of the 6th paragraph of Mr Greathed's Report and of this paragraph shall be submitted for the information of the Hon'ble the Governor of Bombay in Council.

4 The 9th paragraph refers to the formation of an International Court of Vakeels at Jodhpore, composed of the Vakeels of that State, Bikaner, Jeysulmere, and Serohi. I got a Vakeel despatched for this purpose from Jeysulmere, and one is about to be despatched from Bikaner and one from Serohi, which will bring a Court of International Justice near the frontiers of these four States.

5 I need not further notice Mr Greathed's Report, for it could not be made plainer by anything that I could say. I beg, however, to solicit attention to the 19th paragraph on the subject of the Maharajah's anxiety for a reply to the application submitted through my letter, No 225, dated 4th November, on the subject of sending to Ahmednuggur for his eldest son, Juswunt Sing, to become heir apparent of Marwar

6 Mr Greathed's description, paragraph 20, of the Maharajah, the feudal Chiefs, and of feudalism itself as it exists in Marwar, will be read with interest

FROM H. H. GREATHED Esq Political Agent Jodhpore to LIEUTENANT COLONEL J SUTHERLAND, Agent to the Governor General for the States of Rajpootana,—No 121, dated the 1st January 1818

I HAVE the honour to submit my Marwar Report for 1817, the third and last review I shall have the opportunity of writing on the affairs of this principality, and I shall surrender my trust, in accordance with the permission granted to me to proceed to England, with the assurance that this series of Reports will be found to display an increasing advance in the prosperity of the country and a gradual but sound development of the principles of policy we seek to inculcate among our Native allies

2 In external relations our attention has been chiefly occupied with the freebooting movement of Doongjee Shekhawatee marauders and his Shekhawatee associates, which terminated with the attack on the Nusseerabad Treasury. No time was lost by the Marwar Durbar in affording its share of reparation for the indignity offered to the paramount power. The Thakoor of Booroo in Marwar, on whose lands the land had assembled immediately previous to the attack, was deprived of his estate, the Measures adopted for their chastisement Governor of the district in which Booroo is situated was degraded, and two well-appointed bodies of cavalry under the command of Anar Sing, Killadar, and Byas Sing, Hakeem of Nagore, were sent into the field for the purpose of chastising and abetting the marauders and of hunting down the land wherever they might be found. To enable them and their agents to carry on the operations

assigned to them beyond the limits of Marwar, Lieutenant Mason was associated with Anar Sing and Lieutenant Hurdcastle with Bijay Sing, and both found opportunities of distinction. The unremitting pursuit of Doongjee and a party of his followers for upwards of 160

Operations of the Marwar Troops miles, the surprise and capture of Mokumjee and Hookumjee in the heart of the Jeysulmere desert by Anar Sing's detachment, and the long chase and final seizure of Doongjee himself by the party under Bijay Sing, are instances of the endurance and devotion of the Marwar Forces and of the perseverance, zeal, and intelligence of their Commanders

3 In these expeditions the Marwar Troops were employed in the *Conduct in Foreign Territories* Jeysulmere, Bickaneer, and Jeypore States on duties which were likely to bring them into collision and dispute with the inhabitants, and they have escaped all imputation of misconduct

4 An opportunity has been afforded to the Maharajah of evincing *Policy of the Maharajah* his good will to the British Government, and his capability of performing his duties as an ally, by contributing towards the general peace of Rajpootana, and the results have justified my opinions of His Highness's attachment to our cause and of the efficiency of his administration

5 Several of the principal Thakoors have been personally employed *Conduct of the Thakoors* in command of their several quotas during these operations, and their services have been warmly acknowledged by Lieutenants Mason and Hurdcastle. The Thakoor of Boorsoo, when he discovered that he was involved in an offence against the British Government, threw open the gates of his fort to the troops of his Sovereign, and the Thakoor of Koochawun submitted without opposition to the sequestration of six of his villages, a penalty imposed by His Highness, until the Thakoor could clear himself of a charge of having allowed Doongjee to find asylum in Koochawun. Such instances of ready subservience to authority will not be without their effect in producing more generally a disposition among the Thakoors to acknowledge, when due, the right of their Government to correct, and, consequently, a desire not to merit such correction

6 On the western frontier the congregation of some remnants of the Khosa tribe, under the protection of the Thakoor of Boyatra, gave uneasiness to the Sinde Authorities, and at my recommendation the Hakeem of Jalore was ordered to visit Boyatra and to disperse the band by force, if necessary, but to invite them to submit peaceably and to enter into engagements for their future good behaviour. The Thakoor fled at the approach of the Hakeem, and a Government Thannah has been established at Boyatra to secure the future peace of the frontier. Some skirmishes have taken place between the Khosas and the Raj Troops, and one clan has submitted, giving security for good conduct, the Durbar granting them permission to graze their cattle at certain rates within certain limits. Similar measures have been adopted towards these tribes in the Thurrand and Nuggur Parkur, and will, it may be hoped, reclaim them from their predatory habits. The annexation of Sinde has deprived the Khosas of the power of committing serious mischief, and lenient and forgiving treatment may now be extended to them without apprehension of its tendency being misunderstood.

7 Against the districts bordering on Serohi and Meywar the only offences which have been charged were committed by refugees hovering about the frontier. The following Tables showing the number of cases in which foreigners have had to complain against subjects of Marwar during the year bespeak the peaceful condition of the country —

Conduct of Marwar towards
neighbouring States

OFFENCES against persons and property of Foreigners committed in Marwar during 1847

Charge preferred by	No of charges	Value of property	REMARKS
MURDERS		Rs A P	
None			
ROBBERIES			
Ajmere	3	331 8 0	
Jeysulmere	1	500 0 0	
Pahlanpore	4	3,629 6 0	
Miscellaneous	9	707 9 0	British subjects and casual travellers
Total	17	5,229 7 0	

OFFENCES against persons and property of Foreigners committed in other territories traced to Marwar, or charged against inhabitants of the country

Charge preferred by	No of charges	Value of property	REMARKS
MURDERS		Rs A P	
Tonk	1		The murder of Pama Bhoreegail to have been committed at the instigation of Jodh Sing of Alindree
Pahlanpore	1		The murdered man was acting as guide to some Sherol travellers, and was killed in the robbery by robbers traced to Marwar
ROBBERIES			
Jeypore	12	1 155 2 0	
Ajmere	6	1 578 12 0	
Meywar	1	15 0 0	
Mullanco	5	1 9 0 0	
Pahlanpore	3	1 17 0 0	
Miscellaneous	1	50 0 0	
Total	29	3 633 14 0	
Grand total	46	8,922 5 0	

In the Return for 1846 the number of offences was 50 and the amount of plundered property Rupees 16,403 4-0

8 Acts of plunder organized and committed in foreign territories by wandering Marwarees cannot convey reflection on the Marwar Administration, and are, therefore, not included in the foregoing Statements. All that can be expected of the authorities in this country is assistance in discovering the criminals and property if they should have returned to their homes with their booty. Two cases of this description came before me in the course of the year, and are still under investigation, one relates to the plunder of Rupees 32,000 worth of gold near Nassuck in May 1843. Two Marwar Rajpoots, Zalim Sing, since dead, and Jowahir Sing, who has absconded, are said to have been concerned in the robbery, and part of the gold was sold to a Mahajan of Pokhurn Marwar, residing at Aurungabad in the Deccan. I am in communication with the Magistrate of Nassuck on the subject, and have received the assistance required from the Darbar in pursuing the enquiry. The other case concerns the plunder of Rupees 30,000 of gold near Jaulnah in the Deccan by a band composed of Marwar, Jypore, and Ajmere marauders, and has lately been brought to my notice. This description of plunderers must soon discover that impunity is not to be gained by shifting the scene of their exploits.

9 The adjudication of international offences would be greatly facilitated by the establishment of a branch International Court at Jodhpore, composed of Vakeels from Marwar, Bikaner, Jaisalmer, and Serhi under the superintendence of the Agent. The proposition has been now for some time under the consideration of the three last named Courts, but they have not yet signified their compliance, it may, therefore, be presumed to be unpalatable to them, and without their cordial concurrence the scheme could not be expected to work well. Their ostensible objection is the expense the plan would entail upon them, but the real causes of dissent would probably be found to be a disinclination to submit it to an authority to which they owe no allegiance.

subordination, and an apprehension that an Agent specially accredited to, and residing at, the Jodhpore Court would not be an impartial Superintendent of the proceedings of the Vakeels. These are objections which might be overcome by placing all the four States in direct communication with the Agent, and a precedent for such an arrangement is to be found in the constitution of the Ncemuch Agency.

10 The finances of the State are closely attended to by the Maharajah, and with the aid of the practical experience of his able Minister, Dewan Lukmee Chund, this supervision is producing the best results. The reduction of the ordinary expenditure and productiveness of the staple sources of revenue promise a yearly surplus, which the Maharajah will be disposed to lay out to the profit of the country and the honour of his Court.

During the past year the income amounted to	Rs 18,10,764
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The disbursements to	„ 14,74,131
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Leaving a surplus of Rs	3 36 333
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by which the State debt, amounting at the close of the preceding year to Rupees 6,42,536, was reduced to Rupees 3,06,203 the *rekh* or income tax levied on the feudatories for 1846-47 was not realized till shortly after the close of the financial year. Had the proceeds appeared in account, the debt would have been reduced to about a lakh

11 A detailed Statement of receipts and disbursements for 1846-47 accompanies this Report, it shows a highly gratifying increase in the proceeds of the Salt Revenue Salt Lakes, for the increasing revenue indicates a rise in the prosperity of the neighbouring States *Meywar* draws salt from the *Pachbudra* Lake, *Gwahor* and *Bundelcund* from the *Sambur* and *Nawa* marts, and the produce of the *Diedwarah* salt tracts is consumed in our provinces These lakes are capable of yielding an infinite supply of salt, and the profit at the current prices is popularly said to be a rupee for every pie expended, or sixty-four fold, considerable interest is, therefore, felt in the increase of consumption contemplated

from modifications of our salt duties. The co-partnership of Jeypore and Jodhpore in the Sambur mart has been carried on in an amicable manner, both parties willingly abiding by the appropriate rules adopted by Captain Morrieson when in charge of the lake. The population of Marwar enjoy a bountiful supply of this necessary article. It is calculated that a man living on full rations consumes 18 seers of salt a year, which would not cost more than four annas in any part of Marwar.

12. The decrease in the Custom revenue may, in some degree, be

Custom Department

attributed to the insecurity occasioned by the depredations of the Shekhawatee marauders,

but as the defalcation was confined to the Palee mart, it must be supposed that the stream of commerce is abandoning that emporium, and seeking other channels. According to the general custom of Hindoo States, traders belonging to the Charun Bhat tribes are permitted to carry their goods duty-free: they were found to abuse this indulgence, and to defraud the Government by taking under their convoy merchandise belonging to the unprivileged classes. On the adoption of measures to check these frauds, a large *posse* of Bhats and Charuns visited Jodhpore, hoping to exact compliance by importunity and threats of self-destruction. But their influence is on the wane, and they have been obliged to yield their point.

13. In the Judicial Administration no alterations have to be men-

Judicial Administration

tioned, and the peaceful condition of the country is a practical evidence of the suit-

ability of the present institutions to the wants of the community. The Hakeems of each district, the heads of estates and villages, are vested with the primary jurisdiction, and the Courts established at Jodhpore are Judicial Councils appointed to assist the Maharajah in the decision of appeals and special cases, and not tribunals possessing regular powers. I have not, therefore, sought again to obtain Returns of their proceedings, as they could only afford a very imperfect idea of the working of the judicial system. Some conception of its spirit can be gathered from a Code of Rules for the guidance of Civil and Criminal Courts which were promulgated about three years ago, of which a translation will be found in the Appendix.

14 The Maharajah has been prevented this year by two successive fractures of the arm from carrying out his purpose of making a tour through his dominions. This will not be an idle progress, for he is exceedingly anxious to acquaint himself more fully with the wants of his people, and to have an opportunity of inspecting the proceedings of his District Officers. Much might be said of their indolence and inattention to the orders they receive from the Durbar, but it would be more advisable to improve the present instruments of rule than to attack the nationality of the administration by introducing a new class of Officers trained in other schools.

15 The negotiation I was directed to conduct with regard to the Omerkote and the Marwar province of Omerkote and the Marwar Mihar villages has been brought to a successful issue. The Durbar agreed to accept a yearly remission from the tribute of Rupees 10,000 in lieu of the cession of Omerkote, and has permanently confirmed our possession of the 21 Marwar Mihar villages on condition of receiving the net revenue after deducting Rupees 2,000 a year for charges of management, a sum equivalent to more than 25 per cent of the revenue. In these discussions the chief obstacle I had to contend with was the Rajpoot love of territorial aggrandizement, but this powerful feeling gave way before the desire of acting up to the wishes of the British Government.

16 On the 11th of September I had the satisfaction of informing you that the Maharajah had issued a proclamation imposing the penalty of imprisonment for life (capital punishment being contrary to the usage of the country) on the crime of immolation of human victims. This edict was directed against the Bhat, Charun, Brahmin, and other hierarchal tribes, to whom superstition had permitted this revolting practice as an instrument of extortion and revenge. Some advance has also been made towards the ultimate prevention of suttee. The Maharajah has signified his expectation that the employment of dissuasive means will bring about a discontinuance of the rite, and the custom is no longer defended. He has also allowed the Jeypore proclamation, absolutely

prohibiting suttee in that country, to be published throughout Marwar I ascribe these favourable concessions to the impression produced by the publicity given through the *Government Gazette* to the edicts against suttee issued in Jeypore, Boondee, Bundelcund, and the Punjab. The proclamation of the Boondee Rajah was more particularly effective, because it was clearly dictated by a self-conviction of the unlawfulness as well as of the barbarity of the rite. The Statements prepared by the Maharajah's Pergunnah Officers for the Sumbut years 1902 and 1903, that is, from July 1845 to July 1847, show that in the first year eight suttees took place, the next number*

* See in orig

that occurred in each of the two preceding years

In Sumbut 1903 a deplorable sacrifice of life is recorded no less than 20 victims ascended the funeral pile. This increase is generally ascribed to the depression which prevailed in certain parts of Marwar during the time the cholera committed unheard-of ravages, and this opinion is borne out by the fact that 11 of the sacrifices took place at the time and in the districts in which the scourge prevailed.

17. I regret that the expectations expressed by the Hon'ble the Court of Directors in the extract of their despatch received with your letter, No 736, of the 5th July, regarding the college Captain French hoped to establish, have not been realized. The execution of the scheme contemplated by Captain French of introducing a system of education to which the Marwarrees have hitherto been entire strangers was so evidently distasteful, that I was compelled to forego further injunctions, and to leave the opinions of the Maharajah and the public to take their own course. After a silence of some months His Highness re-opened the subject, and expressed his intention of fostering the establishment of a school in the building erected for a college, and of interesting himself in the progress of the scholars. Sufficient time has not elapsed to allow me to judge of the earnestness of his intentions, but it may be hoped the germ of the educational benefit Captain French desired to confer on Marwar has taken root and will produce some fruit. I do not suppose that English literature will be cultivated in our time in Marwar, there is no reward held out for the labour and time which must be expended in mastering a foreign tongue, and the community cling with patriotic preference to the Marwarree and Hindustani languages.

In the time of the Emperors Persian and Oordoo made no progress in Marwar, and I have heard a Thakoor boast that the Marwarrees were never driven to adopt the language and character of the Toorks. The astronomical and other instruments which were sent for from England are in the Agency House, and their exhibition affords me amusement, and excites wonder, and, no doubt, some new ideas, in the minds of the spectators.

18. Inquiries instituted by orders of the Hon'ble the Court of Directors on the subject of the propriety of establishing bullion depôts and subordinate mints to counteract the absorption of the British currency by Native mints for coining purposes and other monetary

I de No 3^d 16th June 1847 evils drew from me a Report on the mints of Marwar, accompanied by Returns from the

Raj records. My enquiries led me to the conclusion that some portion of our currency is held in circulation in the Sambur mart, salt purchases being made in the Company's Rupees, and that specie remittances of British coinage have been of late made to Sinde to buy up the Native Sinde coins for the use of the Marwar mints, but that Marwar is not directly accessory to the disappearance of our currency from the Ajmere District through the agency of its mints. I also showed that the Jodhpore coining establishments answer the purposes both of mints and bullion depôts, and fulfil the objects contemplated by the Hon'ble Court. The average yearly amount coined during the four years for which Returns were made was not quite 1,50,000 about 2 lakhs may be considered the quantity of fresh coinage annually required.

19. The Maharajah is looking forward with much anxiety to the reply of the Supreme Government to the Khureeta enclosed in my letter, No 72, of the 27th October last, requesting permission to send for his eldest son, Jaswant Sing, from Ahmednuggur, with the view of proclaiming him heir apparent of Marwar in accordance with the deed of election. The non settlement of a question of succession must ever be a cause of anxiety, and I trust the Maharajah's request may receive the favourable consideration of Government, for the appointment of an heir apparent would do much to consolidate the popularity and stability of the new dynasty.

20 In concluding my final Report on the affairs of this principality, I may be allowed to offer you my grateful acknowledgments for the support and assistance you have lent me in the discharge of the political duties, to which I owe the influence at the Durbar that has enabled me to conduct the functions entrusted to me both successfully and agreeably. I recommend my successor to cultivate a cordial friendship with the Maharajah, for cordiality between His Highness and the Agent is the best security for the peace and welfare of the country. I carry with me the highest sentiments of regard for His Highness's character as an ally of the British Government and the Ruler of Marwar. Thakoor Bhuboot Sing of Pokhurn is by his rank the chief among the nobles, and he holds the first place in my estimation. He is loyal to his Sovereign, a steady defender of the rights of his class, and a careful manager of his paternal domains,—high qualifications in a feudal Chief, which, if always found combined, would disarm antagonism to the feudal system of most of its arguments. I have a high esteem for the Marwar Thakoors as a body they are looked up to with affection by their retainers and tenants, abstain from feuds among themselves, and generally perform their duties towards the State with good will and loyalty. Dewan Lukmee Chund and Rao Rajah Riddmul Vakeel continue to serve the Maharajah with zeal and ability, and His Highness is fortunate to command the services of Officers so efficient in their respective positions. The two sons of Riddmul, Foujmul and Rajmul, assist their father in the discharge of his duties, and I esteem them highly.

21 It affords me much pleasure to record the estimation in which I hold the character and services of Mr Sub-Assistant Surgeon Salder, in medical charge of this Agency. My opinion of his professional ability is shared by the Maharajah, who has derived much benefit from his skill. I can also speak in terms of warm recommendation of Meer Moonshee Iuzzul Russool and Pundit Gourree Lall, the respective heads of the Persian and Hindee Offices. I cannot express better the satisfaction the services of all the subordinate members of the Agency Establishment have afforded me than by mentioning that all offices are filled by the same individuals I found here on a suming charge of the Agency in January 1815.

DETAILED STATEMENT of Receipts

ITEMS	RECEIPTS					REMARKS
	1844-45	1845-46	1846-47	Increase in 1903 compared with preceding year	Decrease in 1903 compared with preceding year	
	<i>Rupees</i>	<i>Rupees</i>	<i>Rupees</i>	<i>Rupees</i>	<i>Rupees</i>	
Salt	3 80 420	3 08 800	5,30 064	1 73 114		
Customs	2 06 939	3 10,537	2 73 953		36 584	
Pergunnah Jumma	1,27 785	1 25 897	1 50,815	20 918		
Chubootra	17 7,8	16 947	30 169	13,2,2		
Land Revenue	4 59 688	4 44 001	4 60 514	21 513		
Deodes fees	5 130	4 401	6,203	1 802		
Nuzzurs	28 271	1 00 927	81 636		19 091	
Hookumnama	64 537	47 115	55,040	7 9 5		
Nuzzuras a	1,31 134	314 0	94 043	50,269		
Rekh	3 19 009	2,56 901			2 56,901	
Peshcush	2 41 700		4 600	4 600		
Shukeranah	35,365	9 163	10 237	3 119		
Hoondeewun	1 080	10 606	28 111	17 485		
Interest	545	4 088	7 140	2,35		
Judicial fees	1 414	4 036	1 245			
Chuddamee	20 486	14 037	44 48	30 445		
Marble quarries	3 759	2,375	2 3 0		2 811	
Miscellaneous	10 040	5 444	11 190	5 755		
Total Rs	2,40 155	17,59 508	18 10 764		55	
Balance of preceeding year		2,53 880				
Loans	2,53 880	6 40 536				
Grand total Rs.	21,40 035	08 60 337	18 10 064			

Outstanding debts beginning 1846 47

Loans repaid do do

Net balance of outstanding debt end of do

JODHPUR AGENCY,
 The 1st January 1848

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and Disbursements for the year 1816-17

ITEMS.	DISBURSEMENTS					REMARKS
	1814-45	1815-16.	1816-17	Increase in 1816 compared with preceding year	Decrease in 1803 compared with preceding year	
	<i>Rupees</i>	<i>Rupees</i>	<i>Rupees.</i>	<i>Rupees.</i>	<i>Rupees</i>	
Religious Establishment	41 189	60,500	36 195		24 303	
Toshakhana expenses	2 14 265	2 26 998	2,30 867	4 639		
Durbar expenses	1 72 901	62 899	48,336		34 533	
Stewards expenses	2 65 704	3 06,341	2 14 063		97 278	
Military expenses	1 87 950	3 42 997	2 75,865		66,362	
Furash expenses	21,308	17,594	15 596		2 069	
Public works	1 19 902	1 07,564	1,33,997	20,433		
Salaries	2 00 127	2 46 635	1 76 335		70 300	
Pergunnah khurch	55 830	70 076	72 007	2 231		
Land Revenue	1,824	4,571	7 075	2 764		
Tribute and Sower khurch	2,23 000	3,31 000	2 23 000		1,09 000	
Privy Purse	1,50 667	41,275	16,545		21 730	
Hoondeesawun	1 407	371	17		394	
Injury to cultivation			12 513	12 813		
Miscellaneous	17 103	15 976	10 833		5 643	
Total Rs.	16,53,543	18 63,596	14,74 431			
Loans repaid	4,57,323	2,59 940	3,36 733			
Bonded debt paid off		4,37 000				
Interest	71,217	1 00,666				
Grand total, Rs. ..	21 87 113	26 60 932	18,16 764			

Rs. 6 42,536

3,36,333

1 06 723

(S) H H GREATER,
Political Agent

Regulations enacted by His Highness the Maharajah of Marwar for the guidance of Civil Courts,—dated Phagoon Soodee 10th Sumbut 1901

Clause 1st—In all civil cases in which the amount sued for has been due for the period of twelve years and upwards, 25 per cent of the amount decreed shall be forfeited to Government

Clause 2nd—In all civil cases in which the amount sued for has been due for the period of six years and upwards, under twelve 12½ per cent of the amount decreed shall be forfeited to Government.

Clause 3rd—In all civil cases in which the amount sued for has been due for a period less than six years, 6½ per cent (one anna in the rupee) shall be levied upon the defendant in addition to the amount decreed and forfeited to Government, provided that the case come into Court in consequence of the defendant refusing to pay.

Clause 4th—On all mortgages of land suited for building purposes, arable and pasture lands, dwelling, shops, wells, and villages 1 rupee 4 annas per cent on the sum raised on the mortgage shall be paid by the mortgager in the way of fee to Government

Clause 5th—Any dwelling-house mortgaged for a sum not bearing interest may be redeemed by the mortgager on the payment of the original sum

Clause 6th—Any dwelling-house mortgaged for a sum charged with interest, which sum shall have, with the interest so accumulating, doubled itself, may, after remaining for the period of 100 years in the possession of the mortgagee, be redeemed by the mortgager for his heirs for the original amount of the mortgage

Clause 7th—Any dwelling-house mortgaged on the terms mentioned in Clause 6th may, after remaining for the period of 50 years in the possession of the mortgagee, be redeemed by the mortgager (or his heirs) by the payment of 25 per cent, in addition to the original sum

Clause 8th—Any dwelling-house mortgaged on the terms mentioned in Clause 6th may, after remaining for the period of 25 years in the possession of the mortgagee, be redeemed by the mortgager (or his heirs) by the payment of 50 per cent in addition to the original sum

Clause 9th —Any dwelling-house mortgaged on the terms mentioned in Clause 6th may, at any time after the original sum shall have, with the accumulating interest, doubled itself, be redeemed by the mortgager (or his heirs) by the payment of twice the original sum

Clause 10th —Any dwelling house, or land, or shop, mortgaged for a sum, part of which bears interest and part of which is free from interest, may be redeemed by the mortgager in payment of the original sum, which is free from interest, and the remaining part bearing interest with the interest defined in the mortgage

Clause 11th —Any holder of a mortgage bearing interest who shall, previous to the amount of the mortgage (by the accumulation of interest) doubling itself, forcibly possess himself of property mortgaged, shall forfeit claim to any addition to the original sum, and be fined at the discretion of the Court

Clause 12th —Any mortgager not paying interest who shall refuse to put the mortgagee in possession of the mortgaged property shall be fined at the discretion of the Court, who will give possession to the mortgagee

Clause 13th —Any mortgager paying interest who, after the original sum has by the accumulation of interest doubled itself, shall refuse to give possession of the mortgaged property to the mortgagee, shall be fined at the discretion of the Court and compelled to give possession

Clause 14th —In any deed of mortgage, bearing or not bearing interest, on which an agreement is inserted fixing a sum to be expended on repairs of the mortgaged building at the time of redeeming the mortgage the mortgager shall be refused such sum to the mortgagee on his adducing proof to its expenditure

Clause 15th —In case the deed of mortgage contains not the agreement cited in the foregoing Clause, and the mortgagee shall have executed repairs necessary for the stability of the building, the expense of such repairs shall, on due proof being adduced, be refunded by the mortgager

Clause 16th —In case the mortgagee without the permission of the mortgager adds to the mortgaged building, at the time of redemption half only of the expense thus involved shall be refunded by the mortgager

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Clause 7th—Any dwelling-house mortgaged on the terms mentioned in Clause 6th may, after remaining for the period of 50 years in the possession of the mortgagee, be redeemed by the mortgager (or his heirs) by the payment of 25 per cent. in addition to the original sum

Clause 8th—Any dwelling-house mortgaged on the terms mentioned in Clause 6th may, after remaining for the period of 25 years in the possession of the mortgagee, be redeemed by the mortgager (or his heirs) by the payment of 50 per cent in addition to the original sum

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Clause 16th —In case the mortgagee without the permission of the mortgager adds to the mortgaged building, at the time of redemption half only of the expense thus involved shall be refunded by the mortgager

Clause 17th provides that, if repairs be made under *Clause 14th* through the agency of a third person, the accounts of such repairs must be attested by two witnesses, in default, the mortgagee will forfeit all claim to reimbursement

Clause 18th—Any well, field, or village mortgaged for a sum not bearing interest, may at any time be redeemed by the mortgager on repayment of that original sum

Clause 19th—In case of any well, field, or village mortgaged for a sum bearing interest, the mortgagee (or his heirs) shall, after enjoying the produce of such well, field, or village for the period of a century, account for the produce of such well, field, or village, and carry it to the credit of the mortgager towards the redemption of the mortgaged property

Clause 20th provides for mortgagee being put in possession of land property mortgaged to him for a sum not bearing interest

Clause 21st—In suits for simple debts described to have been contracted upwards of 20 years ago, the suit shall only be entertained, provided that the plaintiff produces a bond formally executed which exhibits the part payment in the interval of some portion of the original debt, in default of these two provisions, the case shall be rejected. Suits for debts contracted within the period of 20 years shall be entertained and decided according to their merits

Clause 22nd—Betrothals contracted by mother, father, or brother of a girl shall be held to be valid, provided the ceremonies of "God Arousburdena and Teekakurdena" have been voluntarily performed

Clause 23rd—A betrothal contracted by the paternal or maternal grandfather or uncle of a girl, with the after consent of the parents, shall be held valid on the performance of the aforementioned ceremonies. The same rule applies to the betrothal of a girl who has neither parents nor brothers, and who has been brought up in the home of her paternal or maternal grandfather

Clause 24th—Whoever, after betrothing his daughter to one person and performing the required ceremonies, shall marry her to another, shall be subject to fine, and the disappointed bridegroom shall be entitled

to another bride from the same family, and, if that is not possible, to receive reparation according to the customs of his tribe and the means of the defaulting party

Clause 25th —In event of the bridegroom becoming afflicted with one of the ten diseases, the contract shall be at an end, and the other party at liberty to dispose of the betrothed bride

Betrothals in the families of the nobility shall be conducted according to the customs of the respective families, and in families of Bhoomias, lesser Puttawuts according to their established usages

Clause 26th —Betrothals among Pokhurna Brahmins shall continue to be performed according to the rites of that brotherhood, they shall be at liberty to make contracts where they please, and if they affianced a son or daughter to one and marry him or her to another, the first has no right to complain, for this is the ancient custom in this country, and such complaints will not be listened to

Clause 27th —Sirree Malee Brahmins shall continue to enjoy the same license above mentioned, but if the father of the bridegroom has received money from the father of the bride, and given a written agreement and shall then break off the contract, the father of the bride shall be repaid twofold. This is the rule among the Sirree Malees. But no claim of longer standing than 20 years shall be listened to

Clause 28th —Low tribes allowing the remarriage of widows shall be governed in their betrothals and marriages by the foregoing rules

Clause 29th —When it is the custom among such tribes for remarriages to be negotiated jointly by the families of the widow and of her deceased husband, agreements shall be taken from both parties, attested by four witnesses of their village, and among tribes whose custom it is for the family of the deceased husband only to negotiate the remarriage, the agreement executed as aforesaid shall be taken from them only, and vice versa, when the custom exclusively favours the family of the widow

(Sd) H H GREATHEAD,

14th of August

Regulations for the guidance of the Criminal Courts

Clause 1st—Charges of robbery and plundering are to be investigated and decided on sufficient proof being offered, without regard to, the date of occurrence

Clause 2nd—Charges of robbery in which proof depends upon tracking are to be entertained if not anterior in date of occurrence to Sanbut 1896

Clause 3rd—The head-man of a village shall, in case of a thief being found in his village with stolen property, surrender the thief and the property, and the thief shall be punished, in future of which the head-man shall be held responsible for the value of the stolen property, and be subjected to fine

Clause 4th—In event of a robbery the traces of which have been taken to a village, the sufferer shall receive compensation from that village the amount of the loss being attested by the oath of the sufferer and rigid enquiry. In compensation for a camel stolen Rupees 50 shall be awarded according to the *accer*. The village shall not be subject to fine in addition to payment of compensation

Clause 5th—The claim to a fourth of stolen property recovered or of compensation awarded on the part of the Ray is foregone, it shall not be taken

(Sd) H H GREATHED,

Political Agent

Minute by the Governor General (concurrent in by the Members of Government) —dated the 4th April 1848

I HAVE read the case of the succession to the Ahmednuggur State. It is a most intricate and ponderous case, most fully and elaborately examined and pronounced upon by Mr Walloughby in the Council of Bombay

His views are adopted by his colleague, Mr Reid, and cordially approved by the high authority of the Governor, Mr. Clerk

It is desirable that the question should no longer be kept in suspense, and so far as I am competent to form an opinion, I assent to the conclusion which has been unanimously formed by the Government of the Presidency of Bombay, and will adjudge the Raja of Ahmednuggur to the Chief of Edur

(Sd) DALHOUSIE

From H. M. ELLIOT, Esq., Secretary to Government of India, Foreign Department, to the Chief Secretary to Government, Bombay,—No 971, dated Fort William, the 14th April 1848

I HAVE the honour to acknowledge the receipt of your letter, dated 9th October last, No 264, with its enclosures, relative to the question of succession to the Chiefship of Ahmednuggur

2 The Governor General in Council having given his most attentive consideration to this question, which has been fully and elaborately examined and pronounced upon by Mr Willoughby in the Council of Bombay, concurs in the opinion of the Bombay Government "that Ahmednuggur and its dependencies ought now to revert to the elder Edur branch of the family, and that these two principalities should, as they did previous to A D 1784, again form one State under the Rajah of Edur, and that Maharajah Tukht Sing should be required to remove his eldest son, Juswant Sing, and the other members of his family now at Ahmednuggur, immediately to Jodhpore"

From H. M. ELLIOT, Esq., Secretary to Government of India, Foreign Department, to the Governor General's Agent, Rajpootana,—No. 972 dated Fort William, the 14th April 1848

By direction of the Governor General in Council, I have the honour

* From Chief Secretary, Bombay, dated 9th October 1847, No. 264 to transmit, for your information and guidance, the accompanying copy of a correspondence* with the Chief Secretary to the Government of Bombay on the subject of the succession to the Chiefship of Ahmednuggur.

To Chief Secretary, Bombay, dated 14th April 1848, No. 971

2 You will observe that my letter conveys the concurrence of the Governor General in Council in the opinion of the Bombay Government that Ahmednuggur and its dependencies ought now to revert to the elder Edur branch of the Jodhpore family. His Lordship in Council requests that you will communicate this decision to Maharajah Tukt Sing, and consider the question as no longer open to further discussion.

